Summary Minutes
KLAMATH FISHERY MANAGEMENT COUNCIL
November 10-11, 1991
Millbrae, CA

November 10, 1991

Members Present: Charlie Fullerton, Mel Odemar, Keith Wilkinson, Nat Bingham, Virginia Bostwick, Frank Warrens, Don McIsaac, Sue Masten, Pliny McCovey, Bill Shake (for Lisle Reed), Bob Hayden

Agenda Item: Approval of agenda and correction of previous meeting minutes.

Agenda (Attached) approved as written.

The Klamath Fishery Management Council (hereinafter referred to as Council) approved recommended change of minutes for the June 27-28 meeting. The change as recommended by Nat Bingham, was to include an annual harvest goal of 150,000 chinook salmon for in-river fisheries in addition to the 150,000 chinook harvest goal for the ocean troll fishery, in a statement made by him.

The Council discussed method of recording and publishing minutes of the meetings.

*** Action: KRFRO staff to record the meeting's proceedings with audio or video recording equipment, which will be archived for 3 years.

*** Action: KRFRO staff to reduce notes to summary version before distribution.

Minutes of June 27-28 Council meeting approved with Bingham's suggested amendments.

Agenda Item: Introduction of new members.

Chair introduced Pliny McCovey (Hoopa Valley Tribe), and stated that Mel Odemar will sit in permanently for Spike Naylor. Bill Shake sat in for Lisle Reed.

Council agreed to allow a private video recording be made of the meeting.

Agenda Item: Klamath River Technical Advisory Team (KRTAT) Report (Barnes).

Chairman of KRTAT, Jerry Barnes mentioned that the KRTAT had two new members, Mr. George Kautsky (Hoopa Valley Tribe) and Mr. Rick Felitz (temporary for Bureau of Indian Affairs).

Discussion of KRTAT report handout: (Council reviewed the report handout.)

Odemar explained CDFG in-river regulations.

Council discussed in-river harvest reporting.

Comments:

- o Need contributions rates from each fishery reported in a final report.
- o Final in-river escapement estimate will be available in December.

*** Action: Barnes to report all in-river and ocean harvest in the KRTAT report.

Agenda Item: Report on 1991 salmon fisheries (Barnes).

Council discussed weir count information for the 1991 Klamath River fall chinook salmon run.

The 1991 fall chinook weir counts are variable. The Scott River was up from last year. The Trinity River run size almost double that of last year. The final adult return to Trinity River Hatchery (TRH) might be 2500 fall chinook. The Bogus Creek count was approximately the same as last year. Iron Gate Hatchery has less than half of last year's fall chinook return.

Agenda Item: Fall chinook scale sampling to estimate age composition (Barnes):

Scale samples should be analyzed by the KRTAT by 1-15-92, will have age composition data by the time the 1992 stock projection is made. California Department of Fish and Game (CDFG) may request to do this next year. CDFG may present a proposal to the Klamath River Basin Fisheries Task Force for funding.

Report: Harvest Rate Model Parameters (Barnes).

Council agreed to continue discussion of the KRTAT report during next day's meeting.

Report: New methods for analysis required for Coded Wire Tag (CWT) recovery data (Barnes).

KRTAT Chairman Barnes mentioned a proposal by Dr. Dave Hankin to utilize Coded Wire Tag (CWT) data to determine ocean survival of specific release groups. He emphasized that this would be a preliminary analysis, needing extensive peer review and statistical analyses. Barnes suggested this be considered on a future meeting's agenda.

Barnes presented findings by Dr. Dave Hankin regarding various hatchery timing release strategies and how these strategies influence returns to fisheries, and potential socioeconomic impacts. Barnes emphasized a need to maintain a balance in release strategies. He also reported that the KRTAT was asked to be involved in the Trinity River Task Force's (TRTF) effort to develop management strategies for Trinity River Hatchery.

Council discussion of the report emphasized the need for the Council to have final say on hatchery production goals and harvest management, but that hatchery operation to achieve production goals should be left up to CDFG.

*** Action: Jerry Barnes will participate with the TRH evaluation. Take with him the message from the KFMC that: 1) The Council is concerned with them (CDFG) changing the status quo operation, and; 2) Operational changes shall be reviewed by this council.

*** Action: KRFRO to copy two Hankin Reports (from Barnes), and distribute to all KFMC members.

Two reports are: 1) Oregon Department of Fish and Wildlife, Information Report number 90-4; 2) Dr. Dave Hankin, Effects of Month of Release on Maturation and Fishery Contribution of Chinook Salmon (Charts to accompany presentation given at Native American fisheries Conference, on Oct. 22, 1991).

(Shake): At the November Task Force meeting in Brookings, Oregon, we approved having a coordination meeting between the Chairs of the advisory councils (Trinity River and Klamath River Task Forces, and CDFG) to discuss this particular issue. A report of this meeting would be appropriate for a future agenda item.

*** Action: Place this report on a future Management Council meeting agenda.

Report on Stock ID committee (McIsaac).

McIsaac reported that the major point of the discussion was the definition of "stock." The committee is reviewing applicable biological information such as records of egg and fish imports, history of hatchery releases, applicability of GSI analyses, CWT recovery data. All information is to be reviewed at the next committee meeting. Definition of "stock" will depend on findings of information search. Emphasis is on salmonid species.

Council discussion ensued on the Endangered Species Act and its potential limitations to fisheries management options.

Report on the Graham Gall paper (Barnes):

KRTAT Chairman Barnes stated that in review of the paper, it appears that electrophoresis cannot be used to differentiate between spring and fall runs of chinook, and further research is needed to discriminate between Klamath and Trinity sub-basin stocks. GSI cannot be used to give the Klamath contribution rate in the ocean fisheries. Mitochondrial DNA may be a better technique. Further work is needed to possibly develop more refined techniques.

Council discussion centered around the original intent of utilizing GSI as a management tool for the Klamath Management Zone. (The KRTAT suggests that it be an end-season analysis only. Not to be used as a mid-season analysis to make mid-season management decisions.)

*** Action: Barnes to review the Gall report again for application of GSI techniques in management of Klamath River salmon stocks.

Agenda Item: Report on 1991 Trinity and Klamath River Flows.

Trinity River flows (McCovey):

Pliny McCovey expressed thanks for welcome to the Council. He explained the present decree by Secretary of Interior, requiring the release of 340,000 acre-feet of water from Trinity Reservoir into the Trinity River in dry years. Congressional action is required to make this release requirement law. He also stated that the Klamath River needs to be studied more, and some of the Tribal flow rights need to be considered in the effort to obtain adequate instream flows.

The Council discussed the Karuk and Yurok Tribal instream flow rights, and whether these rights are recognized by the Klamath Compact. The Yurok Tribe is actively pursuing the issue of getting funding to perform instream flow studies.

Klamath River flows:

Mel Odemar presented the status of the Klamath Project, as described in a letter to the CDFG from the Bureau of Reclamation. Two of the reservoirs in the Bureau of Reclamation managed Klamath water storage system are down to dead storage levels. Earlier in 1991, CDFG submitted a flow release strategy, was not adhered to. The minimum flow required by FERC at Iron Gate Reservoir has not been met in recent years because of a lack of water in the system and irrigation deliveries. Fish population restoration would be made easier if FERC flow requirements were being met. The endangered fish species flow needs were also considered in the Bureau of Reclamations release strategies.

Council discussed the fact that minimum flow requirements imposed by FERC have not been met regularly in the past. Bob Hayden suggested that the Council should insure that those minimum flow releases are being met. Bill Shake suggested requesting periodic flow release information from the Bureau of Reclamation so all that the Council would know when flows are not being met. Action to abate the problem could follow.

Agenda Item: Progress of definition of tribal harvest rights.

Bill Shake reported that Interior representative, Lisle Reed, sent a letter to the Department of Interior Solicitor's Office, asking that they review Tribal allocation rights. A finding may result by the end of the year, but will more likely result sometime in spring.

Agenda Item: Progress of definition of tribal harvest rights:

(No presentation, Dr. Reed not present.)

Council discussed development of Policy 7.2 for inclusion into the final long term plan. Sue Masten recommended alternative wording for the policy. Discussion ensued regarding quantification of Tribal fishing rights, and who would determine what those rights were. Masten indicated that the U.S. Department of Interior, Indian Tribes, and the Justice Department were

appropriate entities to quantify Tribal Harvest rights. Council discussion ensued of applicability of the 50% harvest share as determined in the Bolt decision for Washington State Tribes. Masten stated that 50% harvest share was a starting place, and additional Tribal harvest share could be negotiated each year. Nat Bingham stated that the ocean troll industry supported the original version of Policy 7.2, as produced at the La Jolla meeting. Masten replied that she has abstained from the vote in La Jolla because she knew public comment would be taken before final adoption of a long range plan would take place. McIsaac recommended that a subcommittee look at wording the policy and report back to the Council the next day.

Public comment:

Leaf Hillman: I support the proposed plan policy (4.1) to add a Karuk seat to this Council.

Dave Bitts: I would like to know what percentage of agriculture deliveries were made from the Klamath Project.

*** Action: KRFRO request the information from the Bureau of Reclamation, Klamath Project Office.

Russ Crabtree: Introduced the Klamath Management Zone Fisheries Coalition.

Jim Welter: Read a proposal to change the operation of the Iron Gate and Trinity River Hatcheries.

Fred Stutzmen: The charter boat operators support the KMZ Coalition, and ask that you fully consider this group.

Bill Duncan: I'm concerned about the fact that the off shore whiting fishery takes more salmon than our Shelter Cove salmon fishery.

Agenda Item: Klamath Task Force plan status (Wilkinson).

Keith Wilkinson reported that the proposed upper basin amendment to the long range fishery restoration plan is now out for public review. He also stated that the Task Force has agreed to formulate an action plan to implement policies and objectives in the long range plan.

November 11, 1991

Report: Subcommittee on wording Policy 7.2.

Don McIsaac read the following wording for Policy 7.2 "Establish an allocation system that is consistent with the legally defined harvest share allocable to tribal reserved fishing rights." After Council discussion, the wording of Policy 7.2 was changed to "Establish a two tiered allocation system that is consistent with the legally defined harvest share allocable to tribal reserved fishing rights and allocate the non-tribal share to optimize social and economic benefits."

Motion by Wilkinson to accept the amendment to replace Policies 7.2 and 7.2a. Seconded by Shake.

Council will wait until the legal interpretation of "harvest share allocable to tribal reserved fishing rights" is made before negotiation occurs.

Council agreed to take this new language back to constituents before the plan is final.

*** KRFRO staff to insert new verbiage, and present to Council for review.

Agenda Item: Report Salmon bycatch in Whiting Fishery (Peter Dygart).

Mr. Peter Dygart of the National Marine Fisheries Service presented a report on the Pacific whiting fishery and resultant salmon bycatch, with emphasis placed on the bycatch in the Klamath Management Zone. Mr. Dygart presented data on the whiting fishery for the 1977 to 1991 time period. The overall salmon bycatch rate in the Pacific whiting fishery is down to .032 salmon per metric ton, which is below the bycatch rate limit of .05 salmon/metric ton. In 1991, the salmon bycatch rate for the Eureka area was .07 salmon/metric ton. The 1991 salmon bycatch in the KMZ was 4,738 fish . Klamath stocks compose 18% of salmon taken in the KMZ. (18% of 4,700 fish in 1991 translates into 850 Klamath River fish). The whiting fishery takes mostly immature, two and three year old fish. Size distribution can be attributed to gear type and size.

Council asked Mr. Dygart if the .07 salmon/metric ton bycatch rate in the Eureka area was known during the season and if so, whether anything was done to reduce the rate. Dygart's reply was that it was not known until after the season had ended and all harvest data was compiled. Council discussed the causes of this excessive bycatch rate and the possibility of requesting a closure to the whiting fishery in the Eureka area. Don McIsaac moved to request that the salmon bycatch rate be reduced to .05 salmon/metric ton in the Eureka area, and let the PFMC develop the method to achieve the reduction. Charlie Fullerton requested the motion be amended to ask the two states (California and Oregon) to put forth more effort to collect data on the shore based whiting fishery.

Council concluded that Frank Warrens should convey a message to the Pacific Marine Fishery Council (PFMC) that the Council requests the PFMC to insure a reduction in the bycatch rate to .05 salmon/metric ton in the Eureka area, allowing the PFMC to determine what measures should be taken.

*** Action: Fullerton to find out how impacted salmon fishers can become involved in the observer program, and report back to the group.

*** Action: Warrens to convey message to the PFMC regarding reduction of the salmon bycatch rate to .05 salmon/metric ton in the Eureka area.

Public Comment:

Jim Welters: Below the 100 fathom and early morning hours are the critical location and time of harvest. These seems to be the big problems for impacting stocks.

Dave Bitts: I'd like to ask this Council to request the PFMC to ban the whiting fishery from fishing inside the 100 fathom curve, and not fish in the night hours.

Ronnie Pierce: I advocate 100% closure of KMZ to the whiting fishery.

(Unidentified): You may wish to point out that .05 bycatch for the entire coast doesn't work. The bycatch was greater than the total harvest at Shelter Cove.

Agenda Item: Council discussion of revised harvest plan.

Ron Iverson introduced the topic by explaining what has occurred to date in drafting the present long term plan. He stated that many public comments were reviewed and incorporated, but many had not been discussed by the Council. (17 of 68 comments had been discussed, and were a part of the written record.)

Council members decided not to adopt a final version of the long term plan at this meeting, but to have KRFRO staff incorporate all comment discussed at this meeting, and recommended by the Council for inclusion into the draft plan, and be ready to review it at the next Council meeting.

*** Action: Staff to incorporate all comments from this meeting into the draft plan document, for discussion at the next meeting.

Bill Shake moved to include Policy 4.4 in the long term plan. Motion carried.

Council discussed the structure of Appendix A, and how public comment would be incorporated into the long term plan. Council concluded that members will review public comments provided by KRFRO staff, and come to the next meeting prepared to discuss incorporating some of those ideas into the final plan.

*** Action: KFMC members shall review public comments and be prepared to discuss them at the next Council meeting.

Resultant changes to Draft Plan No. 2:

Page 6, paragraph 2: Remove underlined sentence beginning with "Some people feel...".

Page 6, paragraph 3: Delete underlined text beginning with "Preseason estimates..." and ending with "...Klamath fall chinook."

Page 7: paragraph 6: Underlined sentence "Native Americans continued using gillnets to fish for ceremonial and subsistence purposes between 1934 and 1978." will have "in some areas" added to the end, to read "...1934 and 1978, in some areas."

Page 7: paragraph 6: Last sentence deleted, add the following text "Commercial gillnetting in the lower twenty miles of the Klamath River was opened under Federal regulation in 1977, and closed mid-season in 1978. Subsistence fishing only, was allowed in 1979 through 1986. Commercial fishing was resumed in 1987."

Page 8, paragraph 2: Third underlined sentence should read "...have sustained significant socio economic impacts" rather than "...lost their socio economic status as salmon producers."

Page 8, paragraph 3: Third sentence should read "Sport and Indian harvest increased during..."

Page 8, paragraph 4: Seventh sentence should read "Karuk fisheries, conducted on non-Trust lands, are regulated by the State of California and the Karuk Tribe in terms of location and method of fishing."

Page 8, paragraph 4: Delete last sentence (underlined).

Page 8, paragraph 5: Delete all underlined text.

Page 9, Delete KRFRO staff note to KFMC.

Page 10, paragraph 2: Delete entire paragraph on "Illegal in-river harvest".

Page 10, last paragraph: Delete entire paragraph (including text on page 11).

Page 11, paragraph 4: Second sentence should read "The sport fishing fleet consists of small, private vessels and charter boats."

Page 11, paragraph 5: Forth sentence should read "Sport catch of coho landed in..."

Page 11, paragraph 6: Delete entire, one sentence paragraph.

Page 11, last paragraph: Third sentence should read "Substantial numbers of salmon and steelhead are taken in the high seas squid..."

Page 11, Add new paragraph "Illegal harvest: The illegal harvest of salmon in all fisheries is unquantified and may be an important factor in the depletion of stocks."

Page 14, paragraph 3: Second sentence should read "The current estimate of the rate that will accomplish this is 65% of each year class."

Page 16, Item 1.1.1.6. should read "Yurok Interim Council regarding regulations for harvesting in the area by members of the Yurok Tribe". (Delete "when established".)

Page 26, Item 4.4: Leave this sentence in final long-term plan. Add "The KFMC will seek Congressional Action to add this seat."

Page 27, Item 7.2: Reword to read "Establish a two tiered allocation system that is consistent with the legally defined harvest share allocable to tribal reserved fishing rights and allocate the non-tribal share to optimize social and economic benefits."

Agenda Item: Council assignment of technical tasks.

Council directed the KRTAT to review information on the issue of excessive in-river escapement not resulting into high smolt output. Council also requested that the KRTAT provide the CWT and preseason stock abundance data to the members as soon as possible.

Agenda Item: Council action on a harvest allocation agreement.

Mel Odemar suggested that the first step is to identify the issues such as fish counting, setting season dates and quota management. Nat Bingham suggested deciding on the format for negotiations, and encouraged informality. Dave Mackett was suggested as a facilitator. Some Council members stated that they wanted to delay starting the 5-year agreement until their successors could be involved. Mel Odemar indicated that there are many issues other than tribal/non-tribal harvest share that must be considered. Council concluded that this process could start in January or later, members are to contemplate these issues in the meantime.

Agenda Item: Date, location, major items of business for next meeting:

Fullerton to determine date and location of next meeting, and notify others.

Items of business for next meeting:

- Council members to study public comments, for discussion of final long-term plan.
- Council members to be prepared to start the allocation agreement process.

Meeting adjourned.

NOTE: A copy of the Record Minutes (full proceedings) for this meeting is available upon request. Contact:

U.S. Fish & Wildlife Service
Klamath River Fishery Resource Office
P.O. Box 1006
Yreka, CA 96097-1006

Phone 916/842-5763

DRAFT AGENDA

KLAMATH FISHERY MANAGEMENT COUNCIL

10-11 NOVEMBER 1991

SUNDAY, NOVEMBER 10

Convene 1:00 p.m.

Administrative.

Review of agenda and previous minutes.

Introduction of new members.

Technical reports.

Review of 1991 salmon fisheries (Barnes).

Fall chinook scale sampling to estimate age composition (Barnes).

Salmon bycatch in whiting fishery (Barnes).

- Council discussion of impacts of ocean trawl fisheries on Klamath anadromous stocks.

1991 flows.

- Trinity R. (McCovey).
- Klamath R. (Odemar).

Planning/policy.

Progress of definition of tribal harvest rights (Reed).

Klamath Task Force plan status (Wilkinson).

Revised long term harvest plan (Iverson).

- Council discussion of revised harvest plan.

Council discussion of a successor to the Five-Year Agreement.

Public comment -- 4:30-5:00 p.m.

Adjourn.

MONDAY, NOVEMBER 11

Convene 8:00 a.m.

Action.

Council recommendations to PFMC on management of offshore trawl fisheries.

Council action on the long term plan.

Council action on a harvest allocation agreement.

Council assignment of technical tasks.

Date, location, major items of business for next meeting.

Adjourn before noon.

Minutes for the Record
KLAMATH FISHERY MANAGEMENT COUNCIL
November 10-11, 1991
Millbrae, CA

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Members Present: Charlie Fullerton, Mel Odemar, Keith Wilkinson, Nat Bingham, Virginia Bostwick, Frank Warrens, Don McIsaac, Sue Masten, Pliny McCovey, Bill Shake (for Lisle Reed), Bob Hayden

Agenda Item: Approval of agenda and correction of previous meeting minutes.

Agenda (Attachment #2) approved as written.

(Bingham): I wish to change the minutes of the last meeting. The change has to do with my statement regarding quantification of goals for the KMZ fishery. The goal of 150,000 fish as identified for the ocean troll industry should be coupled with a goal for an in-river harvest of 150,000 fish, as well. I would ask to have it reflected in the meeting minutes. I'm advocating goals for both fisheries.

Discussion ensued regarding the methods to record the minutes (notes typed by note-keeper, electronic recording systems).

- Reiterated that each council member has the opportunity to review the draft minutes prior to publication and mailing to interested parties.
- Summary version of notes (includes the motions and action items, with a summary of discussion) would probably suffice for our interested parties mailing list.

(Fullerton): OK, let's reduce the recorded notes to more of a summary.

*** Action: KRFRO staff to record the meeting's proceedings with audio or video recording equipment, which will be archived for 3 years.

*** Action: KRFRO staff to reduce notes to summary version before distribution.

Minutes approved with Bingham's suggested amendments.

Agenda Item: Introduction of new members.

(Fullerton): Pliny McCovey representing the Hoopa Valley Tribe. Mel Odemar is sitting in permanently for Spike Naylor. Today, Bill Shake will sit in for Lisle Reed.

Council agreed to allow a private video recording be made of the meeting.

Agenda Item: KRTAT Report (Barnes).

(Barnes): I talked with the National Marine Fisheries Service (NMFS) about the whiting fishery's salmon bycatch. Pete Dygart will report on this issue tomorrow. I would also like to discuss the different method that Dr. Dave Hankin has come up with regarding ocean survival. Dr. Hankin has also

presented information on effects of time of release of hatchery chinook. The Technical Advisory Team (KRTAT) has two new members. Mr. George Kautsky represents the Hoopa Tribe and Rick Felitz is standing in for the Bureau of Indian Affairs' (BIA) appointment.

Discussion of KRTAT report handout: (Council reviewed the report handout.)

Odemar explained CDFG in-river regulations.

Council discussed in-river harvest reporting.

Comments:

- o Need contributions rates from each fishery reported in a final report.
- o Final in-river escapement estimate will be available in December.

***** Action: Barnes to report all in-river and ocean harvest in the KRTAT report.**

Agenda Item: Report on 1991 salmon fisheries (Barnes).

(Barnes): The numbers reported here are pretty accurate. Most of the Klamath tributary weir counts are essentially final. Returns are variable. The Scott River was up from last year. The Trinity River is also up (almost double). The Bogus Creek count was approximately the same as last year. Iron Gate Hatchery has less than half of last year's return.

(Odemar): With the exception of the Shasta River weir count, these numbers are not the total escapement. The weir counts will be expanded for a final estimate of in-river run.

(Barnes): Right, the numbers here are weir count, not the estimated escapement. The final adult return to Trinity River Hatchery (TRH) might be 2500 fall chinook.

Agenda Item: Fall chinook scale sampling to estimate age composition (Barnes): (Attachment 3, page 2)

(Barnes): We've got 2,100 scale samples from the lower Klamath River and Trinity River fishery. These samples should be analyzed by the KRTAT by 1-15-92. CDFG may want to do all the scale analyses next year. This would come as a proposal from CDFG to the Klamath River Task Force for Restoration Program funding. We'll have age composition data by the time we do the 1992 stock projection.

Report: Harvest Rate Model Parameters (Barnes). (Attachment 3, section D)

Council discussed Table 1 and Section D of the KRTAT report.

Council agreed to continue discussion of the KRTAT report during next day's meeting.

Report: New methods for analysis required for Coded Wire Tag (CWT) recovery data (Barnes).

(Barnes): The bottom line is that we don't have a method now to estimate age specific maturation probabilities unless we have ocean survival rates. These were estimates. Dr. Hankin has taken CWT data by sequenced release groups, and has come up with ocean survival rates by these released groups. This is a preliminary analysis report. He'd be uncomfortable with initiating this right now. He wants more statistical analyses, computer analyses, and peer review on this. They want to present a proposal to the Trinity Task Force to confirm the preliminary findings as valid. I'm giving this a do pass for further consideration and validation. If you favor this, I recommend that it be considered as an agenda item for a future meeting.

(No Council Action.)

(Barnes): At the Native American Fish and Wildlife Conference, Dr. Hankin presented biological effects of various hatchery release strategies. This is a comparison of October releases versus spring releases. Ocean and in-river exploitation rates can be influenced by time of release at the hatcheries. When making decisions on these strategies, Dr. Hankin recommends consideration of social and economic implications, as well as consideration of returning fish to the river. Dr. Hankin presented some production scenarios by which the fish would not be harvested in the ocean fisheries. The bottom line is that we need to maintain a balance in these release strategies. The KRTAT is asked to be involved in the Trinity River Task Force (TRTF) effort to develop management strategies for TRH.

(Fullerton): My concern is "Who will have final say about how the hatcheries and the rivers are managed?" I see nothing wrong with them coming up with a strategy proposal, the KFMC should have final management say.

(Odemar): We shouldn't confuse the hatchery manager's and fishery manager's jobs. Fishery managers should decide on the final product, but not the actual hatchery operation. The hatchery operators should be allowed to raise fish the way they can best do it.

(Barnes): Do you want me to be involved in that evaluation process?
(Fullerton): Yes.

*** Action: Jerry Barnes will participate with the TRH evaluation. Take with him the message from the KFMC that: 1) The Council is concerned with them (CDFG) changing the status quo operation, and; 2) Operational changes shall be reviewed by this council.

(Barnes): I will provide a letter to Mr. Fullerton regarding my authorization to attend, and I will take this message to the meeting.

*** Action: KRFRO to copy two Hankin Reports (from Barnes), and distribute to all KFMC members.

Two reports are: 1) Oregon Department of Fish and Wildlife, Information Report number 90-4; 2) Dr. Dave Hankin, Effects of Month of Release on Maturation and Fishery Contribution of Chinook Salmon (Charts to accompany presentation given at Native American fisheries Conference, on Oct. 22, 1991).

(Shake): At the November Task Force meeting in Brookings, Oregon, we approved having a coordination meeting between the Chairs of the advisory councils (Trinity River and Klamath River Task Forces, and CDFG) to discuss this particular issue. A report of this meeting would be appropriate for a future agenda item.

*** Action: Place this report on a future Management Council meeting agenda.

Report on Stock ID committee (McIsaac).

(McIsaac): Definition of "stock" was a major point of the discussion. The committee is reviewing much biological information such as egg imports from outside the basin, release of fish from IGH and TRH, review of GSI analyses, and a review of CWT recoveries in tributaries to indicate straying rate from hatcheries into tributaries. All information is to be reviewed at the next committee meeting. We are trying to define "stock", and this definition will depend on results of our search for biological information. The effort will be limited to salmonid species. Evolutionary Significant Units (ESUs) were discussed at our first meeting. The ESU concept would incorporate a broader group than a "stock". The group wants to identify different groups, whether a stock or subpopulation. The burden of proof lies with those who suggest that differences exist between groups. Good biological data or reasonable assumptions must be used. Committee membership was also discussed. The committee was allowed to take the proper amount of time to do the job right.

(Fullerton): The Endangered Species Act is a concern. Management options may be taken away if we identify some weak stocks. I'm cautious of how this may be used by other groups. I don't want us to create a trap.

(Shake): Right. That's not the objective of the committee. The objective is to provide a planning tool and enable us to set restoration goals.

Report on the Graham Gall paper (Barnes):

(Barnes): Presently, electrophoresis cannot be used to differentiate between spring and fall runs of chinook, and further research is needed to discriminate between Klamath and Trinity sub-basin stocks. GSI cannot be used to give the Klamath contribution rate in the ocean fisheries. Mitochondrial DNA may be a better technique.

Q: Are you saying, "What we thought we knew a few years ago is no longer valid", or are you saying "We could not use this information for harvest management"?

(Barnes): I'm suggesting that further work is needed to possibly develop more refined techniques.

(Polos): Age structure is not coupled with the GSI data. Age structure is needed for harvest management.

(Hayden): The original intent was to research this technique as a management tool for the Klamath Management Zone (to identify fish as being Klamath River origin), not necessarily to identify specific stocks.

(Barnes): The KRTAT suggested that this be an end-season analysis only. Not to be used as a mid-season analysis to make mid-season management decisions.

(Odemar): Sounds as if this was a change of the original intent.

(Barnes): Mid-season adjustments would cause you to go into the season not knowing what harvest would be allowed.

(Bingham): We couldn't get landing data on a real-time basis, so we won't get this GSI data by mid-season.

(Barnes): We could go back and look at the Gall report.

*** Action: Barnes to review the Gall report again for application of GSI techniques in management of Klamath River salmon stocks.

Concludes KRTAT report.

Agenda Item: Report on 1991 Trinity and Klamath River Flows.

Trinity River flows: (Attachment 4).

(McCovey): Expressed thanks for welcome and provided the attached statement.

(Bingham): Was it your feeling that the higher temperatures this fall had a negative effect on the adult run?
A: Yes.

Q: What is it you're asking us to do?
(McCovey): I believe the Klamath River needs to be studied more, and some of the Tribal flow rights need to be considered.

(Masten): The Yurok Tribe is currently pushing for money to assess the flow needs on the Klamath River side. We've requested more money for more studies. We'll hire an individual to begin the process.

Q: Do the Karuks have a water right?
(Masten): This will be addressed in the near future.
Q: Doesn't the Klamath Compact recognize Tribal water rights?
(Wilkinson): No. I don't think it does.

Klamath River flows: (Attachment 5).

(Odemar): (Discussing the handout) Two of the reservoirs in the system are down to dead storage levels. Earlier this year, the Department submitted a flow release strategy. The minimum flow required by FERC at Iron Gate Reservoir has not been met in recent years because they can't release what they don't have. They released flow (last winter) when we didn't necessarily need it. On September 29, flows were increased as a result of telephone calls from the Department (from over 700 to almost 900 CFS). We're disturbed that the Bureau of Reclamation (BOR) didn't provide flows as planned. I would want to know why minimum FERC flows have not been met in the past. We would be more successful if we were able to get these minimum flows.

(Wilkinson): The FERC requirement for minimum flow at Iron Gate Reservoir was never supposed to be less than 1300 cfs. But in this report, it appears that they rarely met that flow requirement.

(McIsaac): What was the BOR's response for not releasing flows according to the flow release schedule?
(Odemar): Apparently, the BOR claims that inflow into Klamath Lake was less than projected. The BOR held back water in September.

(Hayden): This Council should insure that those minimum flow releases are being met.

(Wilkinson): This is also impacting the Tribal fisheries.
(Masten): With the low flows, fish are coming in later and staying longer in the lower river.

(Shake): In the Columbia River system, we have an agreement with Bonneville Power, and have access to their operational data which is passed on to us on a weekly basis. We could request this kind of flow release information from the BOR. This information could be provided to the U.S. Fish and Wildlife Service Regional Office, Tribes, and CDFG. Then we can make sure that the flows are being met.

(Odemar): The endangered fish species flow needs were also considered.

(No Action.)

Agenda Item: Progress of definition of tribal harvest rights.

(Fullerton): Bill, what is the status of the action of the Interior requesting the determination of tribal harvest allocation?

(Shake): Lisle Reed sent a letter to the Department of Interior Solicitor's Office, asking that they review tribal allocation rights. Hopefully, a finding will result by the end of the year, but will more likely result sometime in spring.

Agenda Item: Progress of definition of tribal harvest rights:

(No presentation, Dr. Reed not present.)

(Fullerton): This is one missing part of the plan. Does the Council want to discuss this now?

(Masten): I've prepared a statement (Attachment 6) for the record. If the quantification of tribal fishing rights becomes law, then this Council should not have a hard time abiding by it. Therefore, it should not be difficult to place into the plan.

Q: Policy 7.2 alternate states that Federal agencies on the KFMC will make the allocation decision. Do you propose to re-word Policy 7.2 alternate?
(Masten): The "appropriate entities" was added to Policy 7.2 alternate.

Q: Who are the entities?
(Masten): Department of Interior, Indian Tribes, and the Justice Department.

(Fullerton): Commerce will also be involved. If we word this we should say the "legal entities, however named".

Q: Where do you see the tribal rights in harvest allocation with regards to overall harvest?
(Masten): We believe the minimum Tribal harvest share is 50%. This is not the total share, but the minimum. This "minimum" of 50% is our starting point because we do not have a ratified treaty suggesting that we would share 50%. The Executive Order for Tribes in Indian country, set aside fishery resources for Indian purposes.

Q: Is 50% arbitrary?
(Masten): No. The number came from former court precedent in interpreting treaties. The Supreme Court decision did not quantify the amount in the Executive Order.

(Odemar): The 50% was only applicable to Washington State. Is the Bolt decision now, as it was in the beginning, measured against the take in Washington State, or measured against the take in all fisheries, combined?
(Masten): This issue will be addressed by legal entities.

(Mccovey): This is much like our water rights, very ancient, preceding the Federal Government and non-Indian communities. Quantification is yet to be determined.

(Masten): Our harvest share goal has always been at a certain level, but not to be set and interpreted as the complete entitlement.

(Fullerton): Sue, can we reword 7.2a to read more accurately? Didn't you ask that this Council abide by the "level", as determined by proper entities?

(Pierce): Policies 7.2 and 7.2a were developed at the La Jolla meeting, to be presented for public comment. The Yurok transition team made suggestions to change the wording for Policy 7.2a, from "Federal agencies of the KFMC" to "the appropriate agencies".

(Bingham): The trolling industry couldn't vote to approve this at a specified level. The original language of Policy 7.2 said that the KFMC would sit down to work out our allocation problem. That is why the only version that I can support is the original version as prepared in La Jolla.

(Warrens): I agree with Nat's statement. And I think that all the tools to achieve the harvest allocation are covered in the original Policy 7.2.

(Masten): I have yet to see that this group recognizes equal fishing rights. I have not seen this recognition in the last 5 years of the agreement.

(Bingham): The conflict may not be resolved by the wording of Policy 7.2a, as you suggest. I recommend that we try to negotiate and re-visit the issue of resource restoration as the first principle, then go from there.

(Wilkinson): Policy 7.2 is a product of consensus. It speaks to what is being discussed now. The problem that I have with Policy 7.2a is that it didn't go through the process as Policy 7.2 did.

(Masten): I abstained from the consensus vote because I knew this issue would be revisited on Policy 7.2. I've made this very clear in past meetings.

(McIsaac): We're talking about the plan. The 5-year agreement will be discussed on the next agenda item. Policy 7.2 may provide a mechanism leading up to the discussion on the next agenda item. I would suggest that language in Policy 7.2a include the Supreme Court, and clean up some of the "user group" language. We shouldn't be afraid of putting a footnote indicating these issues will continue to be decided on.

(Fullerton): We don't know what the Judicial System may say. What you're suggesting is that we allow them to make that determination, then we can consider this issue later?

(McIsaac): The language I suggest is to encourage negotiation. For purposes of our long term plan, I'm proposing that we look at a two-tiered system, that will consider the Indian harvest rights. Some change to the exact language can be thought out, so this group can decide today or tomorrow. Should we consider this now?

(Fullerton appointed Nat Bingham, Sue Masten, Mel Odemar, and Don McIsaac to re-word policy 7.2, and report back to the Council in the next day's session.)

Public Comment:

Leaf Hillman: Will the KFMC discuss Option 4.4 of the long-term plan, regarding the appointment of the Karuk seat on this Council?

(Fullerton): What would you like to see come out of the discussion?
(Hillman): That which came out of the plan at La Jolla, to include an appointment of a Karuk seat.

Dave Bitts: I support Bob Hayden's suggestion regarding flow issues (the KFMC should insure that minimum flow releases are being met at Iron Gate Dam). The question I would like answered is to know what percentage of agriculture deliveries were made.

*** Action: KRFRO request the information from the Bureau of Reclamation, Klamath Project Office.

Russ Crabtree: (Introduced the Klamath Mgt Zone Fisheries Coalition, Attch 7).

Jim Welter: We've looked at the Klamath River Task Force's long range plan, and we believe the restoration program is going to take a long time. We recommend short term protection and production scenarios. Habitat should be your number one concern. (Mr. Welter read a proposal (Attachment 8) to change the operation of the Iron Gate and Trinity River Hatcheries.)

Fred Stutzmen: The charter boat operators support the KMZ Coalition, and ask that you fully consider this group.

(Odemar): Fred and Jim made recommendations at the Task Force meeting last week. I'm scheduling a meeting with the CDFG hatchery people at Iron Gate and Trinity River Hatcheries, and the Trinity River Hatchery is presently being evaluated. We'll consider their recommendations.

Bill Duncan: I'm concerned about the fact that the off shore whiting fishery takes more salmon than our Shelter Cove salmon fishery.

(Fullerton): We're awaiting a report on that fishery tomorrow. Hearing no other comments, the Public Comment period is closed.

Agenda Item: Klamath Task Force plan status (Wilkinson).

(Wilkinson): The upper basin amendment is now out for public review. We welcome your comments. The Task Force has agreed to formulate a plan to implement policies and objectives in the long range plan.

(Shake): NMFS has a formal request to use Dave Mackett to help facilitate our strategy and priority action items.

(Fullerton): I've committed Dave Mackett's time to help.

November 11, 1991

Report: Subcommittee on wording Policy 7.2. Suggested rewording: "Establish an allocation system that is consistent with the legally defined harvest share allocable to tribal reserved fishing rights."

(McIsaac): The two tiered allocation system has inherent problems, "User Group" is abrasive terminology. Policy 7.2a had problems in regards to who defines the allocable rights. This option presented here still allows the Council to negotiate seasons, i.e. the 5-year agreement. This opens the door to allocation strategies. This would remove the last stumbling block and let the long-term plan go forward.

(Odemar): What Don described is how we dealt with the first part of that, but we need something in the policy that would address non-tribal harvest (sport, commercial split).

(Fullerton): It says we'll establish an allocation system. Do we want to get into that now?

(Odemar): It could be a statement that would mention that KFMC would recognize the need to make allocation recommendations to the Pacific Fisheries Management Council (PFMC).

(Hayden): The wording is hard to disagree with, but it doesn't seem to really describe an allocation strategy. Allocation strategy is our task, and a long-term plan should address this issue. Is our strategy to "establish an allocation ..."?

(McIsaac): We'll be more specific later, and this will be the subject of the next 5-year agreement.

(Bingham): I support this, it reflects the situation as it exists. It opens the door to a new negotiation process. To set parameters right now is not appropriate. The points regarding socio-economics that are offensive should be left out.

** Motion **

(Wilkinson): I move to accept this amendment to replace policies 7.2 and 7.2a.
(Shake): Second.

(Masten): Mel's comment about adding discussion of non-tribal allocation into the policy was addressed by the committee.

(Fullerton): Do you agree that this wording needs to be included, Keith?

(Wilkinson): Yes.

(Odemar): We'll add the "non-tribal share."

(Wilkinson): The motion is to accept the wording of Policy 7.2, and include the "non-tribal" wording.

[Note keeper's comment: The Policy, including "non-tribal" verbiage should now read "Establish a two tiered allocation system that is consistent with the legally defined harvest share allocable to tribal reserved fishing rights and allocate the non-tribal share to optimize social and economic benefits."]

Q: Is there a tribal and non-tribal share established now?
(Fullerton): We'll wait until the legal opinion comes out, then we'll negotiate.

(Odemar): This group will establish the system, once the shares are decided. This sets up the principles of how we'll negotiate.

(Council agreed to take this new language back to constituents before the plan is final.)

***** KRFRO staff to insert new verbiage, and present to Council for review.**

Agenda Item: Report Salmon bycatch in Whiting Fishery (Peter Dygart). (Attachment 9.)

(Dygart): The concern is the salmon bycatch in the whiting fishery in the Klamath Management Zone. This report is a logical extension of the bycatch analysis for Sacramento River winter run chinook.

(Mr. Dygart presented data on historic whiting fishery from 1977 to 1991.)

(Dygart): The joint venture fishery has replaced the foreign fleet fishery. The domestic fishery has increased gradually, but slowly through 1990. The '91 catch increased drastically because the domestic fishery replaced the joint venture fleet.

(Discussion of sampling techniques).

(Dygart): The salmon bycatch has been lower in the past two years, compared to earlier years. The overall bycatch rate is down to .032 salmon per metric ton, below the limit of .05 salmon/metric ton. There were 4,700 salmon taken in the KMZ. Data for the shore based fleet is not included. The shore based

whiting fishery harvests 17,700 metric tons of whiting, which is less than 10% of total harvest. The bycatch rate of the domestic whiting fishery is generally lower than for at-sea processors.. The distribution of the shore-based fishery is generally north of the Eureka area.

Q: Was the bycatch rate of .07 salmon/metric ton in the Eureka area known during the fishery? And, was anything done about it?

(Dygart): No. This data was tabulated after the season ended. It is difficult to be responsive to it.

The historic whiting catch in the KMZ was 75,000 to 200,000 metric tons. The salmon bycatch for the 1991 season was 4,738 fish . Klamath stocks compose 18% of salmon taken in the KMZ. (18% of 4,700 fish in 1991). The whiting fishery takes mostly immature, two and three year old fish. Average length is between 19 and 23 inches. In '91 it averaged 23 inches. Catch appears to be bi-modal. The catch size distribution can be attributed to gear type and size. Fish less than 20", and larger than 29" are probably not vulnerable to the harvest technique. The catch was .07 salmon/metric ton in Eureka area, translating into 850 Klamath River fish (4,738 x .18) taken in the whiting fishery. The stock composition of 2 year olds is not well known.

Q: Did you do work on what the whiting harvest would have been if the .05 standard was complied with?
(Dygart): No.

(Wilkinson): Statistically the chart showed that 33% of the whiting was harvested in the Eureka area, and this could create a gold rush effect. There are some harvest management things the industry can do to reduce bycatch rate.

(Warrens): The highest catch rate is in the early morning hours. When the PFMC approved the factory trawl fishery, we had their "word" to not fish at night nor below the 39th parallel.

Q: The whiting fleet also agreed to stay out of the conservation zone for the Klamath. Did they do that?
(Warrens): Yes they did.

(Dygart): It's clear that bycatch monitoring is needed to evaluate effects on all stocks of concern.

Q: What plans are being made to monitor the shore based fishery?
(Dygart): I don't know. Information we do have indicates the bycatch rate is relatively low. (Attachment 9 illustrates this.)

Q: Is there methodology to determine what the April/May stock composition is in the early season? And what happens to the salmon carcasses after counted?

(Dygart): All carcasses are discarded, but we can take tissue samples. They do collect CWT's, and record length and weights.

(Barnes): The KRTAT can run the bycatch figures through the model, and can provide actual impacts on the Klamath in-river run.

(McIsaac): I have a memo from Newport Oregon Department of Fish and Wildlife staff (Attachment 10) which indicates 25 trips were monitored. Fish were counted as caught and again as unloaded. There were 2 salmon caught in these 25 trips. The bycatch rate was .002 salmon per metric ton. The total Oregon landing was about 16 million pounds (sampling was about 1/8 for total landing).

(Fullerton): I will allow any questions from audience.

Q: Has the '91 fishery been broken down by week and by area?
(Dygart): Yes.

(Bingham): The credibility of the bycatch data is questionable. Although, I believe observers do the best job that they can. I would request that commercial fishermen and Native Americans be allowed to be involved in the observation program. The issue of us being biased needs to be addressed.

(Fullerton): I'll follow through, and let you know how they can get involved.

*** Action: Fullerton to find out how impacted salmon fishers can become involved in the observer program, and report back to the group.

(Bingham): In addition, because the bycatch occurs in the KMZ, it includes a high percentage of Klamath fish, whereas the troll fishery, being outside the KMZ has a lower contribution rate of Klamath chinook. This is a problem.

(Wilkinson): I have a position statement from the Brookings-Harbor district. (Attachment 11)

(Fullerton): What are the wishes of the Council? Do we make a recommendation to PFMC in regard to the whiting fishery?

** Motion **

(McIsaac): We might suggest reducing efforts in the early morning and night hours, and also encourage reduction of fishing in April. We can request that they reduce the bycatch rate in the Eureka area to .05 salmon/metric ton, and let the PFMC develop the method to achieve the reduction. So moved.

(Motion seconded.)

(Odemar): The Eureka area is their largest area of catch. We should encourage the industry not to fish there. The whiting fishery is a migrating fishery, so they'll be able to catch these fish in other areas. So, let's not get hung up on harvest rates, but we should consider total numbers (of salmon). We can't sustain the largest harvest rate on the coast in the KMZ. The fish caught as bycatch are young, immature fish.

(Hayden): Why can't we recommend that there not be a whiting fishery in the KMZ? If there is no commercial salmon fishery, why can't we say there will be no whiting fishery?

(Warrens): As defined in the Magnuson Act, you cannot exclude a fishery in favor of another. It's also an economic opportunity for Eureka to develop a shore side whiting fishery. Management of the fishery to minimize bycatch to

get the numbers down should be the goal rather than the total exclusion of the fishery.

(Odemar): One of the first things taken away from the commercial salmon industry was the early May fishing season. We prevented the joint venture and foreign fleets from fishing below the 39th. We should make similar recommendations for the domestic fleet.

(Masten): This body can make strong recommendations to limit the whiting fishery in the KMZ. It is appropriate. 4,000 fish is a high impact. It's our responsibility to point this issue out to the PFMC, what ever happens at PFMC is up to the PFMC.

(Warrens): I understand this, but I believe the concerns are well expressed with Don's motion. It doesn't exclude the whiting fishery but requests reduction of the impacts.

(McIsaac): We should send a message to manage the fishery to make an adjustment in bycatch, hoping to reduce total numbers, but not eliminate the fishery. Frank, can the whiting harvest be achieved in other areas?

(Fullerton): The season dates can be changed and the fish will be caught elsewhere, but that would impact the local near shore whiting fleet.

(Bingham): We should support the effort to lower the bycatch rate, but keep the shore based fishery viable.

(Warrens): The method to achieve the reduction should be left up to the PFMC.

(Fullerton): I'd like to add to the motion, to request the two states to do a better job on data collection for the shore based fishery, to have good data.

(Bingham): I speak in support of Sue's suggestion. If there's any advocate for Klamath River fish, it's this Council. I'd like to see us be strong.

(McIsaac): (Read a statement that requested the PFMC to adopt measures to reduce the salmon bycatch rate in the Eureka zone to less than the accepted .05 salmon/metric ton, and to request additional monitoring efforts be made for the shore side fishery).

Second concurred with the statement, as read by Don McIsaac.

(Wilkinson): There was a motion on the table. Is this an amendment to the original motion?

(Fullerton): Yes, and the second concurs. I'll allow statements by the audience before we vote.

Public Comment:

Jim Welters: I've followed the impact of the whiting fishery. Below 100 fathom and early morning hours are the critical location and time of harvest, that seems to be the big problem for impacting stocks.

Dave Bitts: I'd like to ask this Council to request the PFMC to ban the whiting fishery from fishing inside the 100 fathom curve, and not fish in the night hours.

Ronnie Pierce: I advocate 100% closure of KMZ to the whiting fishery.

(Unidentified): You may wish to point out that .05 bycatch for the entire coast doesn't work. The bycatch was greater than the total harvest at Shelter Cove.

Motion carried.

(Fullerton): Frank, would you carry that motion to the PFMC?

***** Action: Frank Warrens to convey this request at the next Pacific Fisheries Management Council meeting.**

(See Attachment 12 for the Statement Of The Klamath Fishery Management Council Regarding Whiting Fishery Management Measures For 1992.)

Agenda Item: Council discussion of revised harvest plan.

(Fullerton): We are working with the Plan Draft #2 -- Working Copy. This version contains public comment that was incorporated by staff. We will go through it and agree to incorporate or exclude the proposed changes. Then we'll have it ready for print.

(Iverson): We (KRFRO staff) made changes in the plan text, based on changes recommended by the ad hoc committee. These were identified by the Council in your June meeting, and joint committee meeting in Yreka. So, it's important to note that of the distinguishable public comments, I counted 68 that deal with the policy part of the plan. The committee referred those to the Council. I counted 17 dealt with, 51 haven't been dealt with. That is, there is no record of the Council having specifically discussed them, in terms of amending the draft plan in response to those comments.

(Bingham): There are substantive comments by the public, which should be considered. I would ask that we defer adoption of the plan until next meeting. My constituency hasn't had time to review the language of the proposed policy language.

(Fullerton): We'll not adopt a final plan today, but staff will incorporate all comments from this meeting into the draft plan document, for our final review at our next meeting.

***Action: Staff to incorporate all comments from this meeting into the draft plan document for the next meeting.

Discussion of Policy 4.4, (page 26)

(Masten): We support the addition of the Yurok seat, and the Non-Hoopa position would then become the Karuk Tribe. The Karuk Tribe is a managing agency, and should have a seat. We recommend addition of Policy 4.4.

(Bingham): We cannot add a representative to this body, only Congress can. So we'd need to say that the Council would "seek Congressional action to add a seat".

(Shake): Interior supports adding the Karuk seat. Our position has changed.

(Odemar): Congressional action would also be required to change the title from the "Non-Hoopa" to "Yurok" representative.

** Motion **

(Shake): Move to include Policy 4.4 in the plan. Motion seconded.

Q: This motion would be to include the phrase that we would seek congressional action?
(Fullerton): Yes.

(Wilkinson): Other public comment requested additional representative's seats, as well.

Motion carried.

Discussion of Appendix A, (page A-1):

(Iverson): The public proposed various additions to the options field. Individual Council members, at your June meeting, also raised some new options. An example, the addition of an Oregon sport fishing representative seat. Some of these proposed options were never discussed by the Council, and are not in this draft.

Q: Did the committee address how we might consider incorporating public comment as sentiment changed?

(Wilkinson): We (the committee) did, and we suggest that this Council consider these. We didn't prioritize or decide which comments to include.

(Masten): Recommendations by public should be included in the draft.

(Fullerton): We'll cover these at the next meeting. The council members will review those public comments and come to the next meeting prepared to discuss incorporating some of those ideas into the final plan.

***** Action: KFMC members shall review public comments and be prepared to discuss them at the next Council meeting.**

Q: We'll not throw out anything from Appendix A?
(Fullerton): No. This completes the review of the plan.

Resultant changes to Draft Plan No. 2:

Page 6, paragraph 2: Remove underlined sentence beginning with "Some people feel...".

Page 6, paragraph 3: Delete underlined text beginning with "Preseason estimates..." and ending with "...Klamath fall chinook."

Page 7: paragraph 6: Underlined sentence "Native Americans continued using gillnets to fish for ceremonial and subsistence purposes between 1934 and 1978." will have "in some areas" added to the end, to read "...1934 and 1978, in some areas."

Page 7: paragraph 6: Last sentence deleted, add the following text "Commercial gillnetting in the lower twenty miles of the Klamath River was opened under Federal regulation in 1977, and closed mid-season in 1978. Subsistence fishing only, was allowed in 1979 through 1986. Commercial fishing was resumed in 1987."

Page 8, paragraph 2: Third underlined sentence should read "...have sustained significant socio economic impacts" rather than "...lost their socio economic status as salmon producers."

Page 8, paragraph 3: Third sentence should read "Sport and Indian harvest increased during..."

Page 8, paragraph 4: Seventh sentence should read "Karuk fisheries, conducted on non-Trust lands, are regulated by the State of California and the Karuk Tribe in terms of location and method of fishing."

Page 8, paragraph 4: Delete last sentence (underlined).

Page 8, paragraph 5: Delete all underlined text.

Page 9, Delete KRFRO staff note to KFMC.

Page 10, paragraph 2: Delete entire paragraph on "Illegal in-river harvest".

Page 10, last paragraph: Delete entire paragraph (including text on page 11).

Page 11, paragraph 4: Second sentence should read "The sport fishing fleet consists of small, private vessels and charter boats."

Page 11, paragraph 5: Forth sentence should read "Sport catch of coho landed in..."

Page 11, paragraph 6: Delete entire, one sentence paragraph.

Page 11, last paragraph: Third sentence should read "Substantial numbers of salmon and steelhead are taken in the high seas squid..."

Page 11, Add new paragraph "Illegal harvest: The illegal harvest of salmon in all fisheries is unquantified and may be an important factor in the depletion of stocks."

Page 14, paragraph 3: Second sentence should read "The current estimate of the rate that will accomplish this is 65% of each year class."

Page 16, Item 1.1.1.6. should read "Yurok Interim Council regarding regulations for harvesting in the area by members of the Yurok Tribe". (Delete "when established".)

Page 26, Item 4.4: Leave this sentence in final long-term plan. Add "The KFMC will seek Congressional Action to add this seat."

Page 27, Item 7.2: Reword to read "Establish a two tiered allocation system that is consistent with the legally defined harvest share allocable to tribal reserved fishing rights and allocate the non-tribal share to optimize social and economic benefits."

Agenda Item: Council assignment of technical tasks.

(Fullerton): Any assignments for the KRTAT?
(McIsaac): We want to ask them to review the issue of high in-river escapements not producing high output.

(Bingham): Could the CWT data, preseason stock abundance data from the KRTAT report from the Council get out to us ASAP?
(Barnes): Yes.

Agenda Item: Council action on a harvest allocation agreement.

(Fullerton): Regarding the harvest allocation agreement, or successor to 5-year agreement. What shall we do?

(Odemar): I would think the first step is to identify the issues. For example: how we count the fish, the season dates, and quota management.

(Fullerton): How did it work last time? I wasn't here.

(Wilkinson): Extensive negotiation and committee work occurred. The Council can deal with the entire issue, or committees can be utilized.

(Bingham): The old Klamath Management Group had an informal process. My suggestion is to sit down as a full Council and decide how to format the discussions. I hope that the process will be less formal, giving opportunity for a free play of ideas.

(Masten): Mackett would be valuable to keep us to the task.

[Some Council members stated that they wanted to delay starting the 5-year agreement until their successors can get in on it at the beginning.]

(Odemar): There are many harvest issues in addition to the tribal/non-tribal harvest share issue.

(Fullerton): We can start this in January or later. In the meantime, you ought to think about these issues.

Agenda Item: Date, location, major items of business for next meeting:

Next meeting date:

*** Action: Fullerton to determine and notify others.

Items of business for next meeting:

- o Council members to study public comments, for discussion of final long-term plan.
- o Council members to be prepared to start the allocation agreement process.

Meeting adjourned.

List of Attachments:

1) Attendance Roster.
2) Agenda.
3) KRTAT report.
4) 1991 Trinity River Streamflows Report of the Hoopa Valley Tribe.
5) Klamath Project Operation Summary 1991 (presented by Odemar).
6) Yurok Interim Council statement (presented by Masten).
7) Klamath Management Zone Coalition (public statement).
8) Proposal from Oregon South Coast Fishermen.
9) Whiting bycatch presentation tables (presented by Dygart).
10) Memo from ODFW regarding salmon bycatch in whiting fishery.
11) Position statement by the Klamath Management Zone Fisheries Coalition.
12) Statement Of The Klamath Fishery Management Council Regarding Whiting Fishery Management Measures For 1992.

ATTACHMENT 1

KLAMATH FISHERY MANAGEMENT COUNCIL
Attendance Roster
November 10-11, 1991
Millbrae, California

Management Council Members

Nat Bingham	California Commercial Salmon Fishing Industry
Virginia Bostwick	Klamath In-River Sport Fishery
E. C. Fullerton (Chair)	National Marine Fisheries Service
Robert Hayden	California Ocean Sport Fishery
Pliny McCovey	Hoopa Valley Tribal Council
Susan Masten	Non-Hoopa Indians Residing in Klamath Area
Don McIsaac	Oregon Department of Fish & Wildlife
Mel Odemar	California Department of Fish & Game
Bill Shake for Lisle Reed	U.S. Department of the Interior
Frank Warrens	Pacific Fishery Management Council
Keith Wilkinson	Oregon Commercial Salmon Fishing Industry

Others Attending

Dave Bitts
John Coon
Russ Crabtree
W. L. Duncan
Stan Griffin
Leaf Hillman
George A. Kautsky
Duncan MacLean
Mike Morford
Ronnie Pierce
Fred Stutsman
Jim Walters
Jim Welter

ATTACHMENT 2

DRAFT AGENDA

KLAMATH FISHERY MANAGEMENT COUNCIL

10-11 NOVEMBER 1991

SUNDAY, NOVEMBER 10

Convene 1:00 p.m.

Administrative.

Review of agenda and previous minutes.

Introduction of new members.

Technical reports.

Review of 1991 salmon fisheries (Barnes).

Fall chinook scale sampling to estimate age composition (Barnes).

Salmon bycatch in whiting fishery (Barnes).

- Council discussion of impacts of ocean trawl fisheries on Klamath anadromous stocks.

1991 flows.

- Trinity R. (McCovey).
- Klamath R. (Odemar).

Planning/policy.

Progress of definition of tribal harvest rights (Reed).

Klamath Task Force plan status (Wilkinson).

Revised long term harvest plan (Iverson).

- Council discussion of revised harvest plan.

Council discussion of a successor to the Five-Year Agreement.

Public comment -- 4:30-5:00 p.m.

Adjourn.

MONDAY, NOVEMBER 11

Convene 8:00 a.m.

Action.

Council recommendations to PFMC on management of offshore trawl fisheries.

Council action on the long term plan.

Council action on a harvest allocation agreement.

Council assignment of technical tasks.

Date, location, major items of business for next meeting.

Adjourn before noon.

ATTACHMENT 3

M E M O R A N D U M

To: Klamath Fishery Management Council **Date:** October 30, 1991

From: Klamath River Technical Advisory Team

Subject: Team Assignments

The KRTAT met in Arcata September 24-25 to discuss various assignments. Jerry Barnes and Jim Waldvogel were re-elected chairperson and secretary, respectively. New KRTAT members representing the Hoopa Tribe (George Kautsky) and the Bureau of Indian Affairs (Rick Fielitz) attended. Items of interest and progress on Team assignments follow:

A. Chinook Harvest, 1991

Attachment A compares 1991 ocean and river chinook catches with previous years. KMZ ocean sport harvest was limited to 20,000 chinook by inseason action closing the area to salmon fishing in August. The river net catch quota on the Yurok Reservation was attained on October 9. The river sport catch quota for the area from the mouth to Coon Creek (1,300 adults) was attained on October 1, at which time the area closed to the take of adult salmon. The Klamath River above Coon Creek and the Trinity River closed to the take of adult salmon on October 29.

B. Genetic Stock Identification

At the Council's request the Team has reviewed GSI techniques for possible management application on Klamath fall chinook. The State of Washington is currently applying GSI to Puget Sound and Columbia River fisheries to determine stock composition. Similar applications could be undertaken in ocean fisheries off northern California and southern Oregon, especially in fisheries with low quotas. These special fisheries often do not land sufficient numbers of fish to determine stock composition based on CWT's. A complication of GSI in ocean fisheries relative to Klamath chinook is that electrophoresis cannot currently discriminate between the spring and fall race.

Application of GSI in river fisheries (to discriminate between Klamath and Trinity sub-basin stocks, for instance) would require further research. No activity in this area is being funded at this time, although the Klamath Task Force is investigating differences in individual populations within

the basin. The Team will continue to keep informed on GSI techniques and applications if requested to do so by the Council.

C. Scale Sampling Program

The first year of a program to determine inriver age composition of fall chinook using scale analysis is underway. Sample rates were determined that will provide an estimate of the age proportion, plus or minus 20% of the true value, 95% of the time. Both basin hatcheries are being sampled at the 20% rate (every 5th fish), counting weirs at the 50% rate and sampling weirs at the 100% rate. All fish sampled in the net or sport fisheries are also having scales taken and processed. Analysis will be complete by early January, 1992, allowing the age composition to be used in the cohort reconstruction as well as to be compared to the present age composition method using CWT's.

D. Harvest Rate Model Parameters

As described in the attached memorandum from Alan Baracco to the KRTAT, information has been developed over the past several years that indicates the maturity schedule for Klamath fall chinook is somewhat different than originally estimated. Also, the river net fishery has changed in recent years, with a larger proportion of the catch occurring earlier in the season and closer to the river mouth. This has produced a different parameter estimate for age 3 net vulnerability.

The Team is of the opinion that the best estimates describing various life history parameters and fishery impacts should be used to manage this resource. The Team therefore proposes that the new maturity schedule and net vulnerability factor be used to determine the escapement rate and harvest rate combinations that produce maximum sustained yield (MSY).

The effect of these changes are twofold:

1) The escapement rate that produces MSY, currently estimated to be between 33 and 34 percent, would be slightly lower. The actual value using the original parameters was 33.8%; the new value is 33.2%.

2) The ocean/river harvest rate combinations change slightly. The combination used in recent years (0.375/0.49) would change to 0.39/0.52, slightly higher for each area. A new range of acceptable harvest rate combinations is contained in Attachment B.

While the Team feels these new parameter values improves our knowledge of Klamath fall chinook, there remain areas of the life history where only crude estimates can be made. The major area where this is true is estimation of age specific natural mortality. Drs. David Hankin and Michael Mohr have recently published methods they believe are useful in better defining natural mortality. The Team has reviewed the method and supports further development of the technique. Fully developed and verified, these annual natural mortality rates would help to better define the Klamath fall chinook stock/recruit relationship and therefore the definition of optimum spawning escapement.

Attachment A. Chinook Catch Levels for 1991, with a Comparison to 1990, 1989 and 1988. 1/

Fishery - Area	1991	1990	1989	1988
Ocean Troll				
C. Falcon-Humbug Mtn. 2/	69,000	228,000	333,000	430,000
KMZ	6,000	9,000	44,000	89,000
Horse Mountain-Mexico	348,000	440,000	499,000	1,235,000
Ocean Sport				
C. Falcon-Humbug Mtn.	7,000	10,000	9,000	16,000
KMZ	20,000	39,000	72,000	53,000
Horse Mountain-Mexico 3/	60,000	119,000	126,000	140,000
River Net				
Estuary	4,000	4,000	37,000	38,000
Mid-Klamath	6,000	3,000	5,000	10,000
Hoopa Reservation	1,000	1,000	4,000	5,000
River Sport				
Estuary	300	300	2,000	3,000

1/ Preliminary, subject to revision.
2/ Through October 20.
3/ Through October 15, season closes November 3.

Attachment B. Ocean/River Harvest Rate Combinations that Produce MSY.

Ocean Harvest Rate 1/	River Harvest Rate 2/
0.47	0.36
0.46	0.38
0.45	0.41
0.44	0.43
0.43	0.44
0.42	0.46
0.41	0.48
0.40	0.50
0.39	0.52
0.38	0.53
0.37	0.55
0.36	0.57
0.35	0.59
0.34	0.60
0.33	0.62
0.32	0.63
0.31	0.64
0.30	0.66

1/ Expressed as the harvest rate on fully vulnerable age 4 and 5 fish alive prior to the fishing season.
2/ Expressed as the harvest rate on fully vulnerable age 4 and 5 fish that mature and enter the river.

M E M O R A N D U M

To: Klamath River Technical Advisory Team

Date: August 30, 1991

From: Alan Baracco, CDFG

Subject: Maturity Schedule for Klamath River Fall Chinook Salmon

The Harvest Rate Model (HRM) was used in 1986 to determine allowable harvest rate combinations in ocean and river fisheries that produce MSY. It is also used each year to determine allowable catches based on the current stock projection. The model currently uses a set of parameters including maturation at age for Klamath River fall chinook (attached).

These parameter estimates were developed from data available several years ago. The spawning Policy Report (KRTAT 1986) provides the rationale for their selection.

Since 1986, additional data has been developed by the KRTAT describing the maturity schedule for Klamath River fall chinook (Progress Report on Cohort Reconstruction). Table 1 summarizes the maturity schedule for the 1979 through 1985 brood years based upon KRTAT cohort reconstruction.

parameters used for klamath model 3/8/1991

alpha : 14.0000 beta : 0.00001000

age	osc	%legal	shkrs	%mature	tcr	dor	mort	begin r.
2 :	0.400	0.100	0.260	0.070	0.000	0.000	0.500	9435
3 :	0.880	0.800	0.260	0.430	0.660	0.060	0.200	17850
4 :	1.000	1.000	0.260	0.890	1.000	0.060	0.200	15900
5 :	1.000	1.000	0.260	1.000	1.000	0.060	0.200	1750

OSC = OFFSHORE CONTACT RATE
SHKRS = SUBLEGAL DEATH RATE
TCR = TERMINAL CONTACT RATE
DOR = RIVER DROPOFF RATE
MORT = NATURAL MORTALITY RATE

TABLE 1.

MATURITY SCHEDULE OF KLAMATH RIVER FALL CHINOOK, 1979-1985 BROOD YEARS. 1/

BROOD YEAR/ FACILITY/RELEASE	AGE 2 MATURITY	AGE 3 MATURITY	AGE 4 MATURITY
79IGHY	0.6%	19.3%	93.6%
79IGHF	1.7%	49.9%	91.1%
79TRHY	6.2%	35.8%	97.4%
79TRHF	8.2%	41.9%	95.4%
79TRHY+	3.7%	44.0%	97.7%
NATURAL	4.1%	17.3%	76.0%
TOTAL STOCK	3.9%	21.9%	81.3%
80IGHY	2.5%	16.0%	84.4%
80IGHF	12.9%	49.6%	86.4%
80TRHY	20.0%	81.7%	88.0%
80TRHF	32.6%	83.8%	58.4%
NATURAL	17.1%	45.6%	97.6%
TOTAL STOCK	15.7%	48.9%	91.6%
81IGHY	0.2%	12.2%	99.2%
81IGHF	0.4%	38.5%	99.4%
81TRHY	2.9%	42.4%	100.0%
81TRHF	10.7%	30.5%	100.0%
NATURAL	1.8%	34.2%	100.0%
TOTAL STOCK	1.8%	33.6%	99.9%
82IGHY	1.1%	39.5%	98.9%
82IGHF	3.9%	38.7%	98.8%
82TRHY	3.7%	63.2%	98.7%
82TRHF	21.7%	47.4%	99.5%
NATURAL	2.9%	18.6%	100.0%
TOTAL STOCK	2.9%	30.1%	99.7%

83IGHY	0.3%	9.2%	96.4%
83IGHF	1.5%	24.4%	95.0%
83TRHY	6.3%	69.9%	99.8%
83TRHF	19.6%	80.4%	97.0%
83TRHY+	3.4%	68.6%	99.8%
NATURAL	4.1%	27.2%	94.0%
TOTAL STOCK	5.4%	41.0%	95.5%

84IGHY	1.0%	15.2%	88.5%
84IGHF	0.8%	16.5%	81.8%
84TRHY	3.4%	66.2%	97.4%
84TRHF	14.1%	81.8%	97.8%
84TRHY+	2.3%	64.8%	95.2%
NATURAL	6.2%	47.5%	87.6%
TOTAL STOCK	5.1%	47.3%	89.0%

85IGHY	0.3%	8.5%	95.9%
85IGHF	1.9%	49.1%	98.5%
85TRHY	2.7%	56.9%	98.5%
85TRHF	12.7%	75.7%	98.8%
85XHAT	2.9%	8.3%	100.0%
NATURAL	0.1%	28.2%	100.0%
TOTAL STOCK	1.5%	36.5%	99.3%

AVE IGHY	0.9%	17.1%	93.9%
AVE IGHF	3.3%	38.1%	93.0%
AVE TRHY	6.5%	59.5%	97.1%
AVE TRHF	17.1%	63.1%	92.4%
AVE TRHY+	3.1%	59.1%	97.6%
AVE XHAT	2.9%	8.3%	100.0%
AVE NATURAL	5.2%	31.2%	93.6%
AVE TOTAL STOCK	5.2%	37.0%	93.8%

1/ SOURCE: KRTAT, COHORT RECONSTRUCTION UPDATE, JAN. 1991.

1991 TRINITY RIVER STREAMFLOWS

REPORT OF THE HOOPA VALLEY TRIBE

Presented to: Klamath Fishery Management Council
Meeting of November 10-11

Presented by: Pliny McCovey, Member
Hoopa Valley Tribal Council
Hoopa Representative to KFMC

Before presenting the technical and policy part of this report on Trinity streamflows, I want to emphasize the supreme importance of the Trinity River to the Hoopa Valley Tribe's way of life. Hoopa Indians have always lived in and around Hoopa Valley on the lower Trinity, and have always relied on the river for food, transportation, and for fundamental cultural and spiritual purposes. Numerous traditional ceremonial dance sites along the banks of the Trinity have been in continuous use for hundreds of generations. A fire ring at one site has been radio-carbon dated as having been in use 10,000 years ago. This past September, tribal members and their guests successfully completed two ten-day traditional ceremonies along the river, the White Deerskin Dance and the Jump Dance. A special feature of the Deerskin Dance is the Boat Dance, with involves four redwood dugout canoes traveling a short reach of the river. The Tribe obtained a special ceremonial streamflow from the Trinity River Division's Lewiston Dam, and conducted one of the most successful Boat Dances in recent years. It is the Tribe's long-standing cultural relationship to the Trinity River that underlies its determination to protect the fishery.

Trinity River fishery streamflows in 1991 were much better than they might have been, but not as good as they should have been. As the direct result of an administrative appeal filed by the Hoopa Valley Tribe in 1988, Interior Secretary Manuel Lujan issued a decision on May 8, 1991 that significantly improves the Trinity streamflow regime established by Secretary Andrus in 1981. (A copy of the Lujan decision is attached.) Under the Andrus policy, the Trinity flow volume for the critically dry year of 1991 would have been a meager 140,000 acre feet (AF). The May 8 Lujan decision established a flow formula for 1991 that resulted in a flow volume of 290,000 AF, more than twice what the river would have received under the Andrus policy.

The Lujan decision also provides that in water years 1992 through 1996, the annual streamflow shall be 340,000 AF in critically dry years, and "at least" 340,000 AF in each dry or wetter year. After 1996, flows will be based on the results of the 12-year Fish and Wildlife Service (FWS) habitat flow study, and other relevant studies, including two different channel restoration and maintenance flow studies, one by FWS and one by the Hoopa Valley Tribe.

The Tribe had advocated that the 1991 streamflow should also have been 340,000 AF, because that flow volume is believed by FWS to be the **minimum** necessary to promote restoration of the severely

depressed Trinity fishery, and because that is the flow unanimously requested for 1991 by the members of the Trinity River Task Force in a September 10, 1990 letter to Secretary Lujan. When the 1981 Andrus flow policy was adopted, the best available information indicated that 340,000 AF might provide all the habitat necessary for restoration, but after six years of its flow study, FWS has concluded that 340,000 AF provides only about 54% of the habitat necessary for restoration. As recognized in the Lujan decision, FWS now believes that it will take at least 578,000 AF per year to provide necessary habitat and channel restoration and maintenance.

Prior to Secretary Lujan's decision, the Trinity River Division diverted nearly 90% of the Trinity's annual streamflow to the Sacramento River basin and the Central Valley Project. As many of us are aware, the result has been Trinity fish runs that are at an all-time low. The minimum 340,000 AF mandated by the decision represents about 25% of the Trinity's annual flow volume. FWS has concluded that a primary limiting factor in Trinity salmon production is the lack of adequate peak flows in the spring to provide rearing habitat for early life stages. In addition, it is clear from even the Bureau of Reclamation's own studies that high volume flows are also necessary to flush accumulated sediments and provide for reshaping of the degraded river channel. It is hoped that the higher flows available under the Lujan decision will

enable FWS and the Tribe to more fully study these requirements as well as actually begin to reverse the decline of the fishery.

Secretary Lujan's decision recognizes the unique legal status of the Trinity River Division: Under the 1955 Trinity River Division authorizing legislation, in-basin flow needs are to have priority over out-of-basin diversions and the Trinity fishery is to be maintained at pre-Trinity Division levels. The trust responsibility to protect the Hoopa Tribe's reserved fishing rights also imposes similar obligations on the Secretary to increase streamflows. And the Trinity Restoration Act of 1984, while it did not expressly require flow improvements, does require the Secretary to fulfill the original intent of the Trinity Division Act by restoring the fishery to pre-CVP levels.

In pursuing its appeal with Secretary Lujan, the Tribe repeatedly pointed out that Trinity flows have been drastically reduced during the current California drought, even in years when the CVP provided full deliveries of much larger amounts of water to its contractors. The Secretary's decision brings the Trinity a step closer to parity with the CVP; it provides the Trinity with more than the minimum 340,000 AF in any non-critical dry year between 1992 and 1996. The Tribe believes that flows in excess of this minimum must be regularly available if the fishery is to recover.

The Tribe gratefully recognizes the strong support that has developed for Trinity flow improvements; the Lujan decision would not have happened without it. Both the Klamath Basin Task Force and the Trinity Task Force sent letters to Secretary Lujan urging him to improve Trinity flows. Support was forthcoming from the ocean troll industry, Trinity and Humboldt Counties, the Bureau of Indian Affairs, and several members of Congress, including our own District Representative Frank Riggs. Mr Riggs has introduced legislation in Congress to confirm the Lujan decision. This legislation overwhelmingly passed the House in June as Title XXX of H.R. 429, the Reclamation Project Authorization and Adjustment Act, and may yet receive Senate approval this fall.

Habitat improvement and streamflow policy reform are goals behind which all of us should be able to unite and cooperate. The Tribe remains firm, however, that cooperation cannot come at the expense of its basic rights. This year the Trinity received twice as much water as it would have because the Tribe asserted its legal rights in a constructive fashion. We intend to continue to provide leadership in habitat and flow policy matters.

Flows in the Klamath River are now emerging as an important concern. The flow policy for that river is in the dark ages compared to Trinity policy. With the organization of the Yurok Tribe moving forward, we at Hoopa anticipate a good deal more

constructive attention to be focused on Klamath flow policy in the coming years.

In addition, it is time for this Council to get realistic about spawner escapement policy. As Trinity streamflows are improving, there will be more habitat available to accommodate the progeny of increased spawner escapement. The spawner escapement goals of the Trinity Restoration Program (roughly 71,000 chinook, including over 60,000 naturals) have been frustrated by this Council's completely unrealistic spawner floor of 35,000 chinook for the **combined** Klamath-Trinity basin. It is time to develop harvest seasons that put more than the spawner minimum back to the rivers, even (or rather especially) in years of low stock abundance.

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United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240
MAY 8 1991

Memorandum

To: Secretary

From: Assistant Secretary - Fish and Wildlife and Parks
Assistant Secretary - Indian Affairs
Assistant Secretary - Water and Sciences

Subject: Trinity River Flows

By copy of your July 13, 1990, letter to the Hoopa Valley Tribe, you directed the Assistant Secretary for Fish and Wildlife and Parks to conduct a review of Trinity River flows that are currently governed by the 1981 Secretarial Issue Document. During the past 9 months, the Assistant Secretaries for Water and Sciences, Indian Affairs, and Fish and Wildlife and Parks have worked diligently to reach a consensus concerning flow requirements for the Trinity River. This memorandum and the attached Position Statement contain our recommendation on this issue.

We recommend that, during the period of 1992 through 1996, flow releases into the Trinity River be at least 340,000 acre-feet (AF) for each dry or wetter water year and 340,000 AF in each critically dry year if at all possible. We further recommend that between 340,000 AF and 340,000 AF be released into the Trinity River in 1991 depending on the ramping formula contained in the attached position statement. The 1991 flow releases will be accomplished under Central Valley Project hardship provisions. A prompt decision is critical since reduced flows will go into effect in early May, 1991.

The attached Position Statement provides a detailed summary of the major legal, biological, and administrative factors that support our decision. Briefly, fishery needs, the Department's trust responsibility to the Hoopa Valley and Yurok Tribes, the biological integrity of the U.S. Fish and Wildlife Service's 12 year Trinity River Flow Evaluation, the needs of the Restoration Project, and the comprehensive administrative record concerning Trinity River flow requirements support our recommendation to increase flow releases into the Trinity River.

Assistant Secretary
for Fish and Wildlife
and Parks

Assistant Secretary
for Indian Affairs

Assistant Secretary
for Water and Sciences

TRINITY RIVER FLOWS

The Bureau of Reclamation is directed to release into the Trinity River in 1991 between 240,000 AF and 340,000 AF depending on the inflow to Shasta Reservoir and using the ramping formula contained in the attached position statement. The Bureau of Reclamation is also directed to release into the Trinity River, during water years 1992 through 1996, at least 340,000 AF for each dry or wetter water year and 340,000 AF in each critically dry year if at all possible. The Assistant Secretaries for Fish and Wildlife and Parks, Indian Affairs, and Water and Sciences are directed to formalize the 1992 through 1996 flow release agreement by December 1, 1991.

Secretary of the Interior

Attachment

Date: May 8, 1991

REVIEW OF TRINITY RIVER FLOWS

POSITION STATEMENT
of the
Assistant Secretary for Fish and Wildlife and Parks
the
Assistant Secretary for Indian Affairs
and the
Assistant Secretary for Water and Sciences

ISSUE: The adequacy of fishery flow releases from Departmental reservoirs into the Trinity River, California

BACKGROUND:

- The Trinity River Division of the Central Valley Irrigation Project was completed by the Bureau of Reclamation (Bureau) in 1963, leading to an 80% decline in salmon and steelhead production from the Trinity River. This project reduced average stream flows from 1,200,000 acre-feet (AF) per year to 120,000 AF per year.
- The Hoopa Valley and Yurok Tribes rely on the harvest of anadromous salmonids produced in the Trinity River for subsistence, ceremonial, religious, and commercial purposes.
- The Service estimates that the economic impact of the Trinity River Division and other sources on the non-Tribal commercial and sport fisheries that rely on Trinity River salmon and steelhead has been in excess of 20 million dollars per year.
- In 1981 the Secretary of the Interior signed a Secretarial Issue Document (SID) directing the Bureau to implement the following schedule for flow releases into the Trinity River: 340,000 AF during normal or wet water years (Shasta Reservoir inflow of at least 4,000,000 AF); 220,000 AF during dry water years (Shasta Reservoir inflow of between 3,200,000 AF and 4,000,000 AF); and, 140,000 AF during critically dry water years (Shasta Reservoir inflow of less than 3,200,000 AF).
- The SID also directs the Fish and Wildlife Service (Service) to evaluate these flows during a 12-year period (the evaluation began in 1985) to determine their efficacy in restoring the Trinity River fishery and to make long-term flow recommendations. Available hydrologic information indicated that 2 of the 12 years during the evaluation would be sub-normal water years. During the first 6 years of the flow evaluation (1986-1990), 5 years were designated as dry.

- An Environmental Impact Statement regarding the management of flows in the Trinity River was prepared in 1981. Information available in 1981 indicated that flow releases of 340,000 AF per year, combined with extensive streambed and watershed rehabilitation, would provide for full restoration of fish populations.
- In 1984, Congress passed the Trinity River Restoration Act directing the Department to fully restore the Trinity River fishery using such measures as erosion control, channel modification, harvest control, and hatchery modernization to augment flow modification. The Bureau and the Service began jointly implementing the Restoration Program in 1986.
- The Hoopa Tribe filed an administrative appeal in 1988 seeking Secretarial intervention to resolve the Trinity River flow issue.
- The Hoopa Valley Tribe asserts that a minimum of 340,000 AF per year is required to attain fishery restoration and to meet the Secretary's trust responsibility.
- In July, 1990, Secretary Lujan asked A/S FWP to review Trinity River flows and the need for supplemental documentation if flows are altered.

STATUS:

- SID-prescribed flow releases have been inadequate to sustain, much less restore fish production in the Trinity River. After peaking in 1986 due in large part to drastically curtailing harvest, fish populations have steadily declined to levels approximating pre-1981 levels.
- The Service has released preliminary results indicating that 340,000 AF provides 56% of optimum habitat, not 100% as had previously been postulated (240,000 AF provides 34% and 140,000 AF provides 15%). Even with full implementation of the Restoration Program, 340,000 AF would provide only 80% of needed habitat.
- In addition to adversely impacting fish habitat, SID-prescribed flows during this prolonged drought have resulted in poor migration survival of fish, have curtailed the anticipated flow related restoration of stream morphology, and have precluded the orderly progress of the flow evaluation and the Restoration Program.
- **The Service has determined that SID-prescribed flows for sub-normal water years will not allow for the restoration and evaluation of the Trinity River fishery resources.**
- The Bureau of Indian Affairs takes the position that the Secretary is authorized and required to manage the Trinity River fishery commensurate with the trust obligations of the United States, as reflected in their April 3, 1991, memorandum to the Commissioner of the Bureau.
- **1991 has been designated as a critically dry water year** in Northern California. The April forecast of annual inflow to Shasta Lake is at 2,900,000 AF at the 90% exceedance level.
- The allocation of Trinity River salmon for commercial, sport, and tribal purposes has reached crisis proportions for 1991: minimum escapement levels may not be reached; tribal commercial fishing will not be allowed and subsistence fishing will be at emergency subsistence levels; in-river sport fishing may be prohibited; and ocean fishing will be at the lowest rate in recent history.

- The Sierra Club petitioned the National Marine Fisheries Service (NMFS) to force the Bureau to consult with NMFS regarding the operation of the CVP as it pertains to the threatened Sacramento winter chinook. The ongoing consultation is expected to culminate in the issuance of a Biological Opinion by December 1991.
- Water diverted from the Trinity River to the Sacramento River can only minimally influence the management of the threatened Sacramento River winter chinook due to the relatively small quantity of water diverted, the physical constraints on diversion rate, and because it is significantly warmed during the diversion from Trinity Lake through Lewiston, Whiskeytown and Keswick Lakes. The Bureau's April 17, 1991, preliminary CVP operations analysis showed that decreasing Trinity River diversions to the Sacramento River by 100,000 AF would only increase Sacramento River temperatures by .1 degree Fahrenheit (from 64.0 to 64.1 degrees in August). The target temperature for protecting winter chinook is 56 degrees.
- The Bureau has also been asked to consult with the Service regarding CVP operations in relation to endangered bald eagles at Trinity Lake. The Service's draft biological opinion states that 1991 CVP operations are not likely to jeopardize the continued existence of the bald eagle. In the opinion, the Service has not placed any criteria on flow releases or reservoir pool elevations for 1991.
- The Bureau has identified four scenarios for providing additional water to the Trinity River. Two of the flow release scenarios for releasing 240,000 AF to 340,000 AF in 1991 would not impact winter chinook.
- The original Environmental Impact Statement (EIS) on managing Trinity River flows and the January 1991 tiered Environmental Assessment appear to provide the needed documentation under the National Environmental Policy Act for the Secretary to make an informed decision. All of the alternatives being considered in this review fall within the original scope of the 1981 EIS. The Secretary also has the authority to revise Trinity River flows pending completion of additional environmental documentation if it is needed.
- Congress has submitted legislative report language (House Report 102-21, Part 1) related to the Emergency Drought Relief Act (H.R. 355) recommending that 340,000 AF be released into the Trinity River in 1991 and future years as a measure of fulfilling the Government's trust responsibilities to the Hoopa Valley Tribe.

POSITION OF MAJOR CONSTITUENTS:

- The Trinity River Task Force, comprised of 14 agencies/groups including the Service, Bureau, Bureau of Indian Affairs, and the Hoopa Valley Tribe, unanimously recommended that the Secretary release 340,000 AF into the Trinity River in 1991 if at all possible.
- Congressman Riggs (CA) has written to the Secretary recommending that 340,000 AF be released into the Trinity River during 1991.
- The Hoopa Valley Tribe has filed an administrative appeal for the release of 340,000 AF or more during 1991 and during the balance of the flow evaluation period.

- The Klamath River Restoration Task Force recommends that 340,000 AF be released into the Trinity River during the remainder of the flow evaluation period.
- The Klamath Fishery Management Council, Trinity County (county of origin for Trinity River water), Humboldt County, and various commercial and sport fishing groups all support 340,000 AF.
- Numerous Irrigation Districts and CVP power users have stated that SID-prescribed flows for the Trinity River should not be exceeded without adequate NEPA review.

DEPARTMENTAL REVIEW:

- A Departmental review team comprised of representatives from the Service, Bureau, and Bureau of Indian Affairs has been working extensively since October, 1990 to develop a consensus recommendation for Trinity River flows. The team recommends that:
  - for water year 1991 the following criteria be used to determine flow releases: 1) if the most up-to-date forecast (not to extend beyond the June 1 forecast) for projected inflow to Shasta Reservoir equals or exceeds 3,200,000 AF, releases into Trinity River should not be less than 340,000 AF; 2) if the most up-to-date forecast (not to extend beyond the June 1 forecast) for projected inflow to Shasta Reservoir is between 2,900,000 AF and 3,200,000 AF, flow releases into Trinity River should be based on the ramping formula:

$$TR = (SI \div 3) - 726,667$$

Where: TR = Trinity River Release in AF
SI = Shasta Reservoir Inflow in AF

and, 3) if the forecast for inflow to Shasta Reservoir is less than or equal to 2,900,000 AF, releases into Trinity River should not be less than 240,000 AF.
  - for water years 1992-1996: at least 340,000 AF should be released into the Trinity River in dry or wetter years (i.e. when inflow to Shasta Reservoir is equal to or greater than 3,200,000 AF), and at least 340,000 AF should be released into the Trinity River in critically dry years if at all possible. "If at all possible" means if the water is physically available and can be released into the Trinity River consistent with existing Federal Statutes and Regulations.
- If the Secretary does not take an action on this matter, the existing SID prescribes that 140,000 AF will be released into the Trinity River in 1991. This flow would lead to further declines in Trinity River fish production and would further hamper restoration and evaluation efforts.
- If flow changes are to be made for 1991, the decision is needed by early May, 1991. The most critical component of the annual flow regime is the May flows needed to protect migrating juvenile fish.

OPTIONS:

1. Ensure that flow releases into the Trinity River from 1992 through 1996 are at least 340,000 AF per year in all dry or wetter years and are at least 340,000 AF in critically dry years if at all possible, and ensure that flow releases into the Trinity River are at least 240,000 AF in 1991, based on the 1991 ramping formula described above.

2. No action (i.e. reaffirm the SID).

RECOMMENDATION:

The Assistant Secretaries for Fish and Wildlife and Parks, Indian Affairs, and Water and Sciences recommend that Option 1 be implemented. This is the only option that fulfills the Department's trust responsibilities to affected Indian tribes, meets commitments to restore the Trinity River fishery, and addresses the Department's other commitments related to the Central Valley Project.

Constance B. Harriman
Assistant Secretary
for Fish and Wildlife
and Parks

Assistant Secretary
for Indian Affairs

Assistant Secretary
for Water and Sciences

KLAMATH PROJECT
OPERATION SUMMARY
1991

Klamath Project operations during 1991 were hampered by drought. Project reservoirs were lower than normal as a result of several years of deficient inflow (approximately 20-60% of normal). Two of the primary reservoirs are at dead storage levels and Upper Klamath Lake is lower than it has been for several years.

Approximately 25,000 acres of farmland in the Klamath Basin dependant on the Klamath Project received an inadequate supply of irrigation water this past year. In some cases irrigation diversions stopped in mid-July. In addition, wildlife refuges that depend on return flows from irrigation are currently stressed due, in part, to the conservation measures that Reclamation has encouraged and the water districts have enforced.

In January, 1991, the Bureau of Reclamation met with various resource agencies that have concerns with the operation of the Klamath River. At that meeting a schedule of flows for 1991 was proposed that would conserve as much water as possible and be acceptable to the downriver interests. A copy of the 1991 Iron Gate releases are attached along with a graph that compares the requested flows, actual flows, and prescribed Federal Energy Regulatory Commission flows. Releases in September lagged the proposal to some degree. This was occasioned by significantly less inflow to Upper Klamath Lake than was forecast by the Soil Conservation Service. Essentially, Reclamation was attempting to balance the resource between the various users, i.e. downstream, in-lake for endangered species, and irrigation during that period. Total releases past Iron Gate for 1991 (Jan-Oct) are greater than suggested in the 1991 resource agency proposal.

If the Klamath Basin receives normal, to above normal, precipitation this next year we expect Upper Klamath Lake to recover sufficiently to meet irrigation and downriver needs during the 1992 season. The east side reservoirs will require upper decile conditions to recover sufficiently to meet all needs.

IRON GATE RELEASES FOR 1991 (in cfs)

DAY	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	TOTAL
1	2360	746	756	825	758	740	556	547	737	863	
2	2404	760	770	807	752	745	595	546	737	863	
3	2350	754	825	799	808	740	540	546	736	863	
4	2080	778	918	801	803	736	549	548	736	881	
5	2054	760	910	804	802	736	544	545	737	888	
6	2047	751	951	802	804	744	546	547	736	889	
7	2049	777	930	802	763	740	551	545	737	889	
8	2051	774	882	801	733	738	551	545	737	887	
9	1939	771	797	806	734	727	540	547	735	889	
10	1698	771	796	807	728	735	535	547	726	888	
11	1359	750	792	803	717	732	550	547	731	891	
12	1359	751	807	807	736	736	548	547	735	891	
13	1360	749	778	805	747	739	547	547	736	891	
14	1356	752	759	804	749	736	547	562	734	891	
15	1360	750	781	806	750	656	551	695	736	888	
16	1360	752	763	806	806	656	557	741	736	888	
17	1220	752	763	806	793	648	534	736	733	889	
18	766	751	1303	807	771	614	530	738	735	891	
19	761	752	1405	758	756	629	525	733	737	890	
20	759	751	1125	760	751	617	524	731	737	890	
21	796	752	942	759	906	608	525	725	737	890	
22	813	752	942	761	1307	609	528	736	722	892	
23	814	751	942	773	1392	609	547	734	742	895	
24	813	751	939	758	1404	606	549	732	742	892	
25	822	752	847	753	1394	606	543	738	743	905	
26	819	757	803	754	1266	606	546	744	744	896	
27	816	758	893	755	920	611	545	741	809	896	
28	784	758	976	752	748	609	547	737	884	895	
29	757		1019	752	748	606	546	735	886	895	(est)
30	757		983	756	744	606	547	733	865	895	(est)
31	756		960		745		547	737		895	(est)

ACTUAL TOTALS IN ACRE-FEET

82,194	42,016	55,651	46,789	53,227	40,106	33,501	39,932	44,783	54,637	492,838

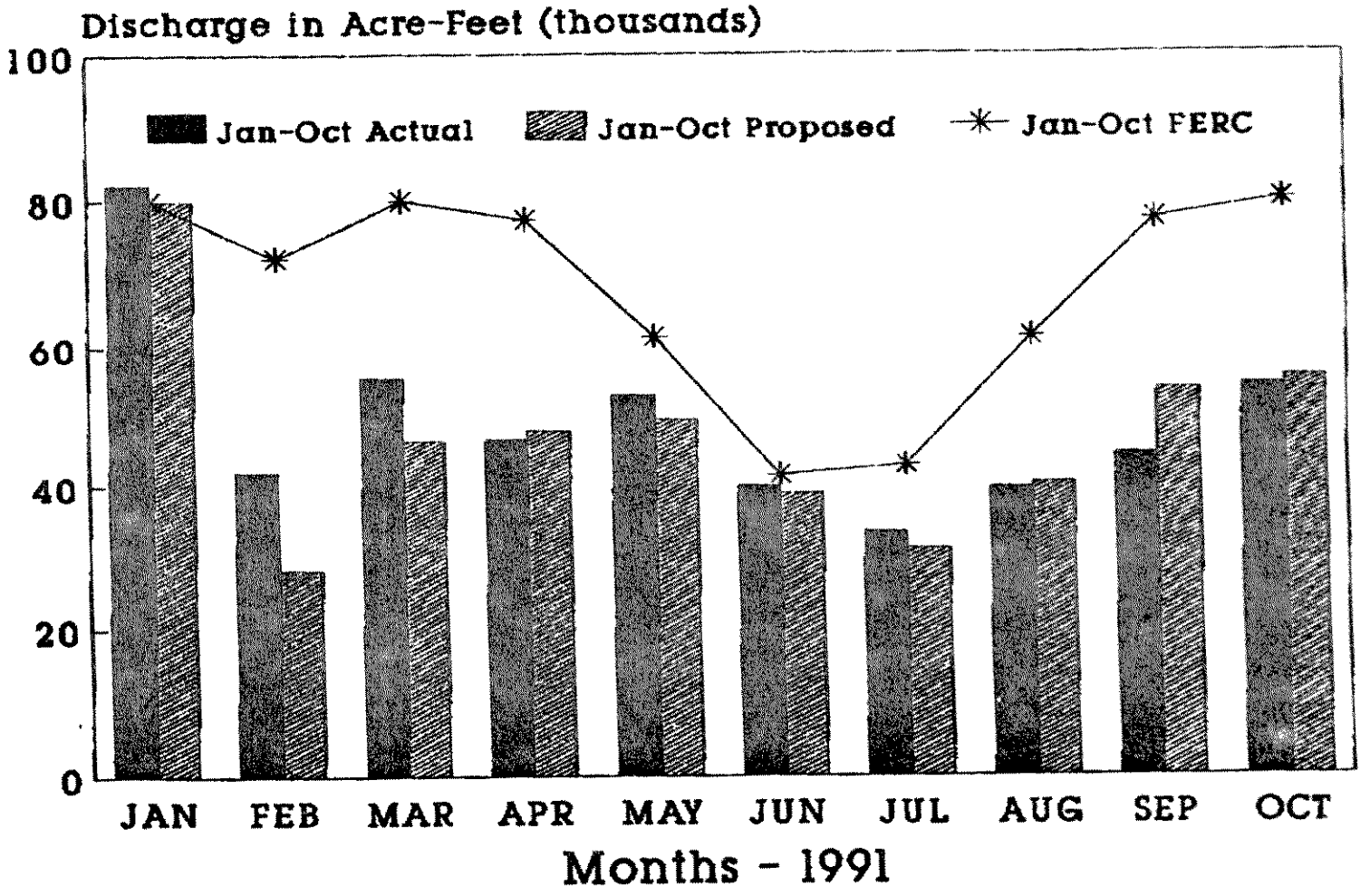
PROPOSED 1991 OPERATIONS IN ACRE-FEET

79,935	28,000	46,600	48,000	49,600	39,000	31,000	40,600	54,000	55,800	472,535

FERC IN ACRE-FEET

79,935	72,199	79,935	77,357	61	41,654	43,042	61,489	77,357	79,935	92

Iron Gate Releases
1991 (Jan - Oct)



ATTACHMENT 6

Sue Masten, Yurok
Interim Council
KFMC Non-Hoopa Rep.

KFMC Proceedings
San Francisco
November 10-11

Council Members:

Regarding the allocation stratagies of the long term harvest plan.

I am afraid my opening comments on this subject will have to be the same as my closing comments at the last meeting. But I will try to explain our position a little more clearly.

This document we are working on, is a Federal Document, one which in theory will be presented to the Secretary of the Interior. As such, we feel it must address federally reserved Tribal fishing rights.

The fact that the Klamath Act formed this body to advise the Secretary of Interior on fishing issues, can in no way be construed that it abrogated Tribal reserved rights; nor that it made non-Indian fishing privileges equal to Tribal fishing rights.

In option 7.2 alternate, we are requesting that this document abide by federal law with regard to reserved Tribal fishing rights. We are not trying to quantify our right in option 7.2 alternate, but are stating that when it is legally quantified, it must be abided by.

Additionaly, we are suggesting that the quantification of the fishing right be defined by the proper authority, hopefully through negotiation rather than litigation.

If language reflecting these concerns, language that states it will abide by federal law, can not be included in this document, then we cannot accept it.

Klamath Management Zone Fisheries Coalition

• Joe Crabtree, Chairman
• Rich Taylor, Co-Chairman

Oregon Representative:
• Howard Teague, Gold Beach

California Representative:
• Ken Neel, Trinidad

Port of Port Orford
Port of Gold Beach
Port of Brookings Harbor
Crescent City Harbor District
Trinidad Bay
Humboldt Bay Harbor District

101 Citizen's Dock Road • Crescent City, CA 95531
(707) 464-6174

November 10, 1991

Klamath Fishery Management Council
P. O. Box 1006
Yreka, CA 96097-1006

Re: Introduction of the Klamath Management Zone Fisheries Coalition

Dear Councilors:

The purpose of this letter is to introduce the Klamath Management Zone Fisheries Coalition. The Coalition is a bi-state organization comprised of six ports from Humboldt Bay to Port Orford and associated Chambers of Commerce. Meetings are held biweekly to discuss courses of action and to reach mutual consensus on fishery related concerns.

The Coalition is optimistic that, in time, it will be looked upon as a sounding board for input and consultation by the regulatory agencies responsible for managing the salmon resource within the zone. The mission of the Coalition is to: "Promote the maximum economic well-being of the KMZ Communities through the practice of sound conservation policies". This translates to improving the economy of ports and communities in Northern California and Southern Oregon.

A preliminary list of the Coalition's objectives are:

1. Sustain, at a minimum, the ocean salmon sportfishing season from Memorial Day to Labor Day.

2. Improve the commercial salmon fishing troll options within the Klamath Management Zone.

3. Secure uniform bi-state sportfishing regulations within the Klamath Management Zone.

4. Allow only domestic shore-based whiting fisheries within the Klamath Management Zone.

5. Achieve marketability of the Klamath Management Zone Communities by continuity of the season.

In closing, the Coalition believes that good salmon management must be a flexible process over time and is committed to restoration and enhancement of the salmon resource for the benefit of all user groups.

Thank you for the opportunity to comment.

Sincerely,

Russ Crabtree, Chairman
Klamath Management Zone Fisheries Coalition

RC/mem

c: Senator Bill Bradbury
Representative Walt Schroeder
Curry County Board of Commissioners
Klamath Management Zone Ports
ODF&W, Randy Fisher and Jim Martin
OCZMA, Jay Rasmussen
OPPA, Paget Engen

PROPOSAL

REDUCE THE PRODUCTION OF CHINOOK SALMON BY AT LEAST ONE THIRD AT IRONGATE AND TRINITY HATCHERIES.

REAR TO FULL TERM SMOLT. FOR LATER RELEASE.

ONE HALF OF PRODUCTION TO BE TRUCKED FOR LOWER RIVER RELEASES IN LOWER TEN MILES AND ESTUARY.

REASON: TO INCREASE THE SURVIVAL OF HATCHERY AND NATURAL STOCKS.

PRO'S

1. INCREASE PERCENT OF HEALTHY HATCHERY SMOLT ENTERING THE OCEAN.

2. INCREASE SURVIVAL OF NATURAL SMOLT WITH LESS COMPETITION WITH HATCHERY SMOLT DURING DOWNSTREAM MIGRATION.

3. REDUCE LOSS DUE TO NATURAL PREDATION ON DOWNSTREAM MIGRATION FROM HATCHERIES.

4. REDUCE LOSS DUE TO SPORT FISHING MORTALITIES DURING DOWNSTREAM MIGRATION.

5. PRODUCE LARGER, HEALTHIER SMOLT, WITH GREATER SURVIVABILITY.

6. SHORT-TERM PRODUCTION OF MORE ADULT SALMON FOR BOTH SPORT AND COMMERCIAL OCEAN FISHERES.

7. SHORT-TERM PRODUCTION OF MORE ADULT RETURNING SALMON FOR IN-RIVER SPORT AND INDIAN FISHERES.

8. INCREASE IN HATCHERY RETURNS WILL DILUTE TAKE OF NATURAL STOCKS.

ALL OF THIS COULD TAKE PLACE IN A SHORTER TIME-FRAME THAN THE PRESENT HATCHERY PROGRAM.

POSSIBLE DRAWBACKS:

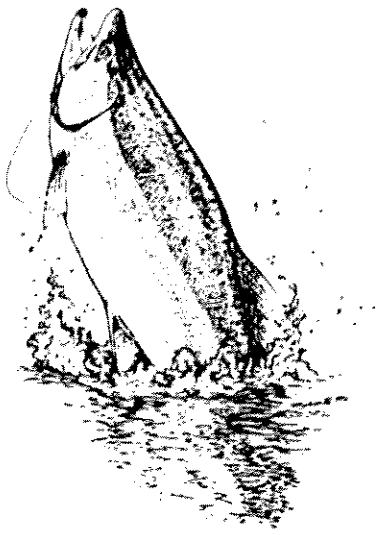
1. COST AND LOGISTICS IN TRANSPORTATION FOR TRUCKING SMOLT TO LOWER KLAMATH.

2. INCREASED FOOD COST FOR REARING TO FULL-TERM SMOLT.

FOOD COSTS COULD BE OFFSET BY THE REDUCTION OF PRODUCTION BY ONE THIRD.

ATTACHMENT 8

Oregon South Coast Fishermen
P. O. Box 2709 ■ Harbor, OR 97415



November 1, 1991

TO: Klamath Fishery Coalition
101 Citizen Dock Road
Crescent City, CA 95531

FROM: Jim Welter, South Coast Fishermen

SUBJECT: For Klamath Fishery Coalition
Possible Restoration Solution

It deserves to be said, that the Klamath Restoration Plan is worthwhile as a long range plan. Communities in the Klamath Management Zone cannot economically remain viable for the duration of the fifteen to twenty years that it will take to realize positive impacts from the Restoration Plan.

The importance of natural production is emphasized in the Plan. Also when the Technical Work Group was going through the project proposals, it mentioned several requests for funding to trapsiick and dying fish coming out of the hatcheries.

In the Restoration Plan, three factors are highlighted and emphasized which are the heart of the problem. These are:

1. Water, its quality and quantity.

2. Spawning and rearing habitat.

3. Hatchery fish and their impact on natural pooduction.

Therefore, we the Klamath Fishery Coaliton would like this Task Force to consider the following purposal.

Reduce the number of Chinook fall fish reared at Iron gate and trinity Hatcheries, by 1/3rd or a percentage that would allow them to be reared to quality full term smolt.

Truck 50% to the lower 10 miles of the river and estuary for release.

The benefits of this proposal would be an infusion of healthy viable Chinook fall smolts into the ocean resulting in a much higher survival percentage.

That would be able to contribute to the in river and ocean fisheries in a short time frame.

There would also be a reduction in predation loss, but more significant, would be the reduced impact on natural production, during the time the water and habitat issues are being resolved.

PACIFIC FISHERY MANAGEMENT COUNCIL

Metro Center, Suite 420
2000 SW First Avenue
Portland, Oregon 97201

Phone: Commercial (503) 326-6352
FTS 423-6352

CHAIRMAN
Philip Anderson

EXECUTIVE DIRECTOR
Lawrence D. Six

MEMORANDUM

DATE: November 22, 1991

TO: Klamath Fishery Management Council (KFMC)

FROM: John Coon, Staff Officer (Salmon)

SUBJECT: Whiting Bycatch Presentation by Peter Dygert

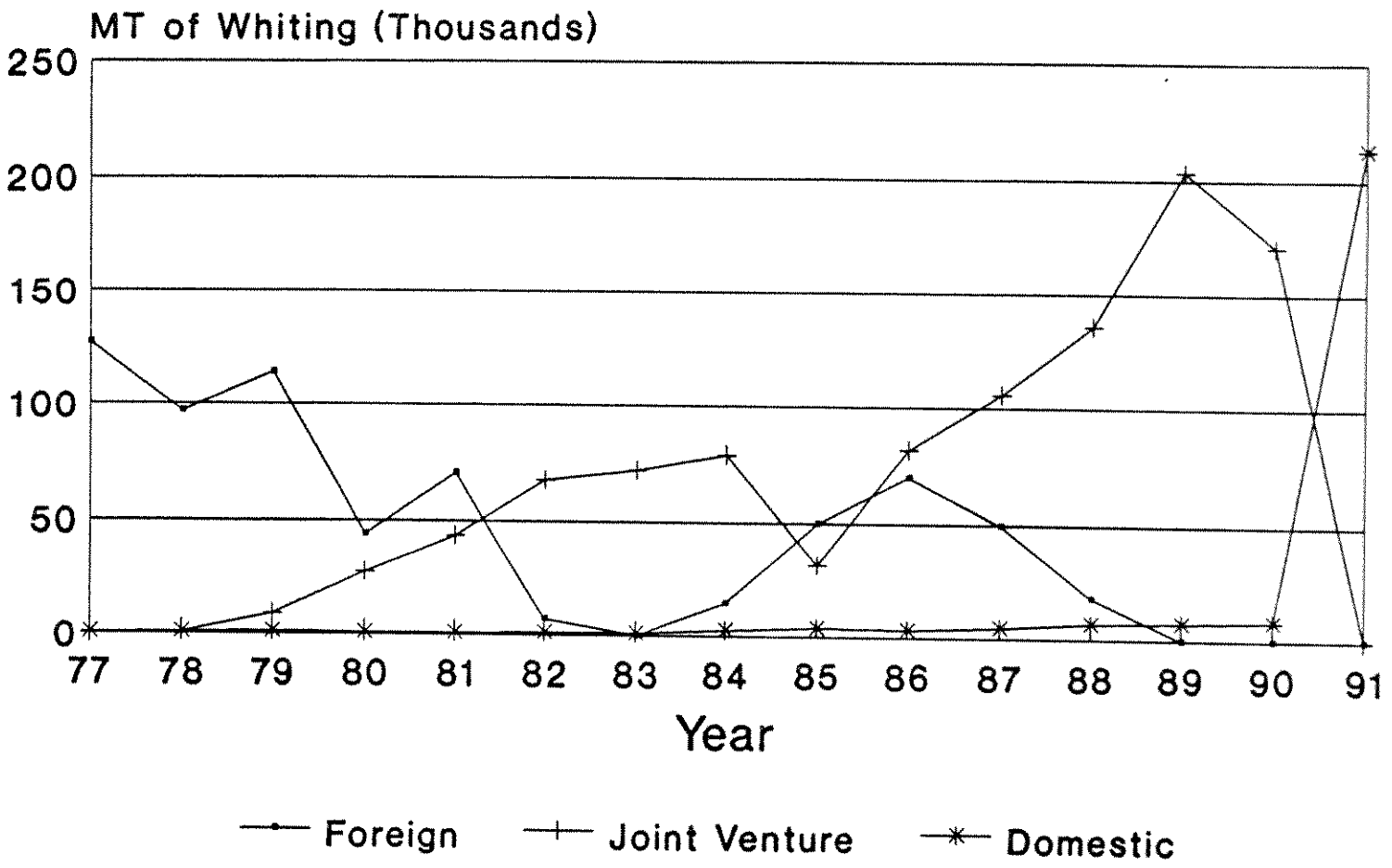
In response to the KFMC request at its meeting on November 11, I am forwarding the attached copies of the overhead projection transparencies use by Peter Dygert, National Marine Fisheries Service, in his presentation regarding salmon bycatch in the whiting fishery. In addition, he has also provided the following summary information.

> The estimated bycatch of chinook salmon by factory trawlers and motherships in the KMZ was 4,738 fish. Virtually all of this catch was taken during the months of April and May. Stock composition information from the Klamath Ocean Harvest Model was used to estimate that 18 percent, or approximately 850 of these fish, were from the Klamath River. The average size distribution analysis indicated that 60 to 65 percent were age 2 with the remainder being age 3.
>
> During the discussion there were some uncertainties about the status of the shore-based fishery. To clarify, approximately 18,000 mt have been taken as of November 1, but the processors have expressed their intent to use a total of 26,000 mt by the end of the year. This leaves 7,000 mt from the 1991 quota which has now been allocated to at-sea processors. See the attached notice for more details.
>
> I was asked whether the bycatch rate varied between months. The bycatch rate was 0.060 in April and 0.080 in May.

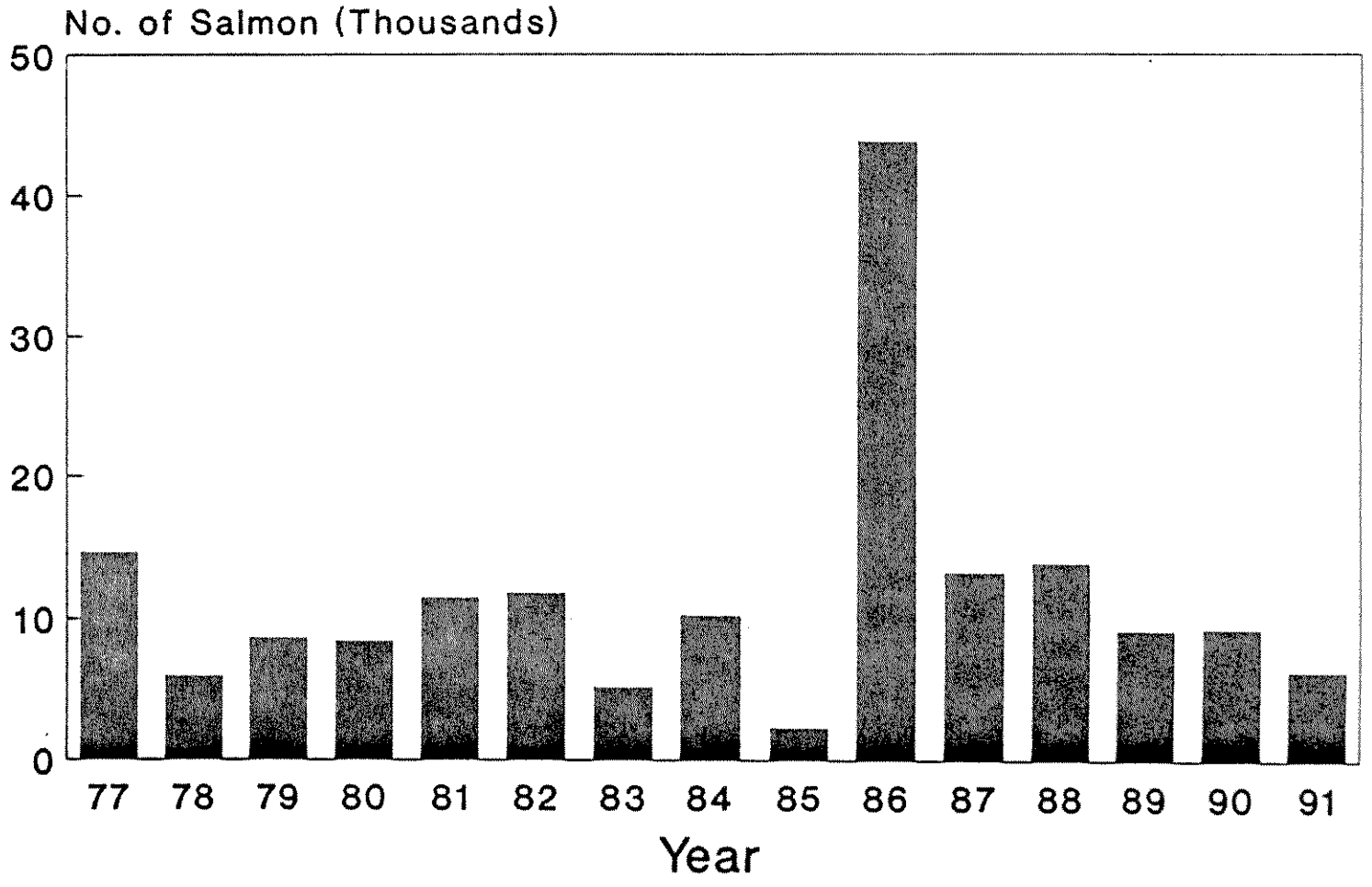
If the KFMC has further questions, Peter Dygert can be contacted at 206/526-6734.

JCC
Attachments

Foreign, JV and Domestic Catch of Pacific Whiting (metric tons)

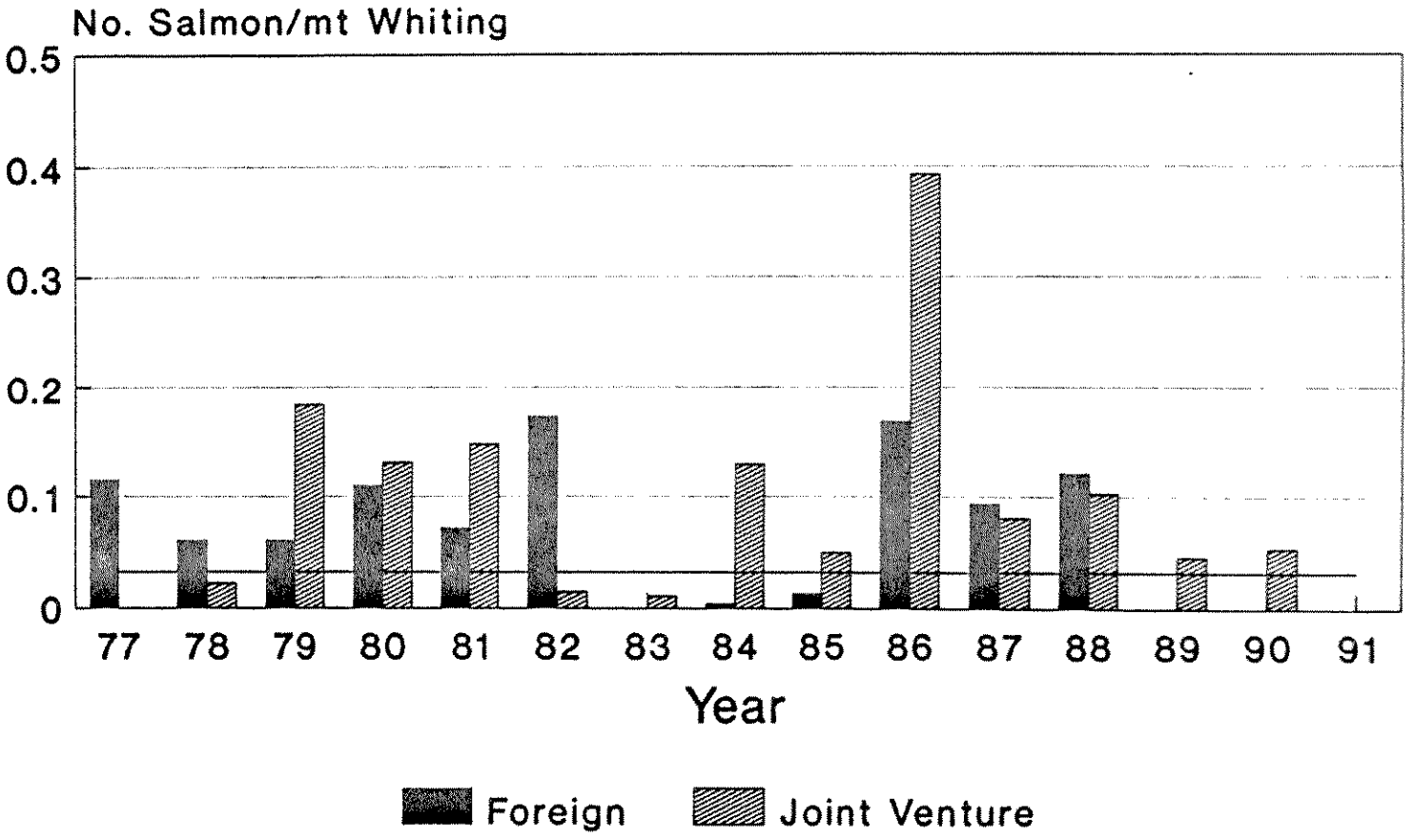


Salmon Bycatch in the Whiting Fishery (Foreign and JV Combined)



91 bycatch for domestic fishery

Salmon Bycatch Rate in the Whiting Fishery

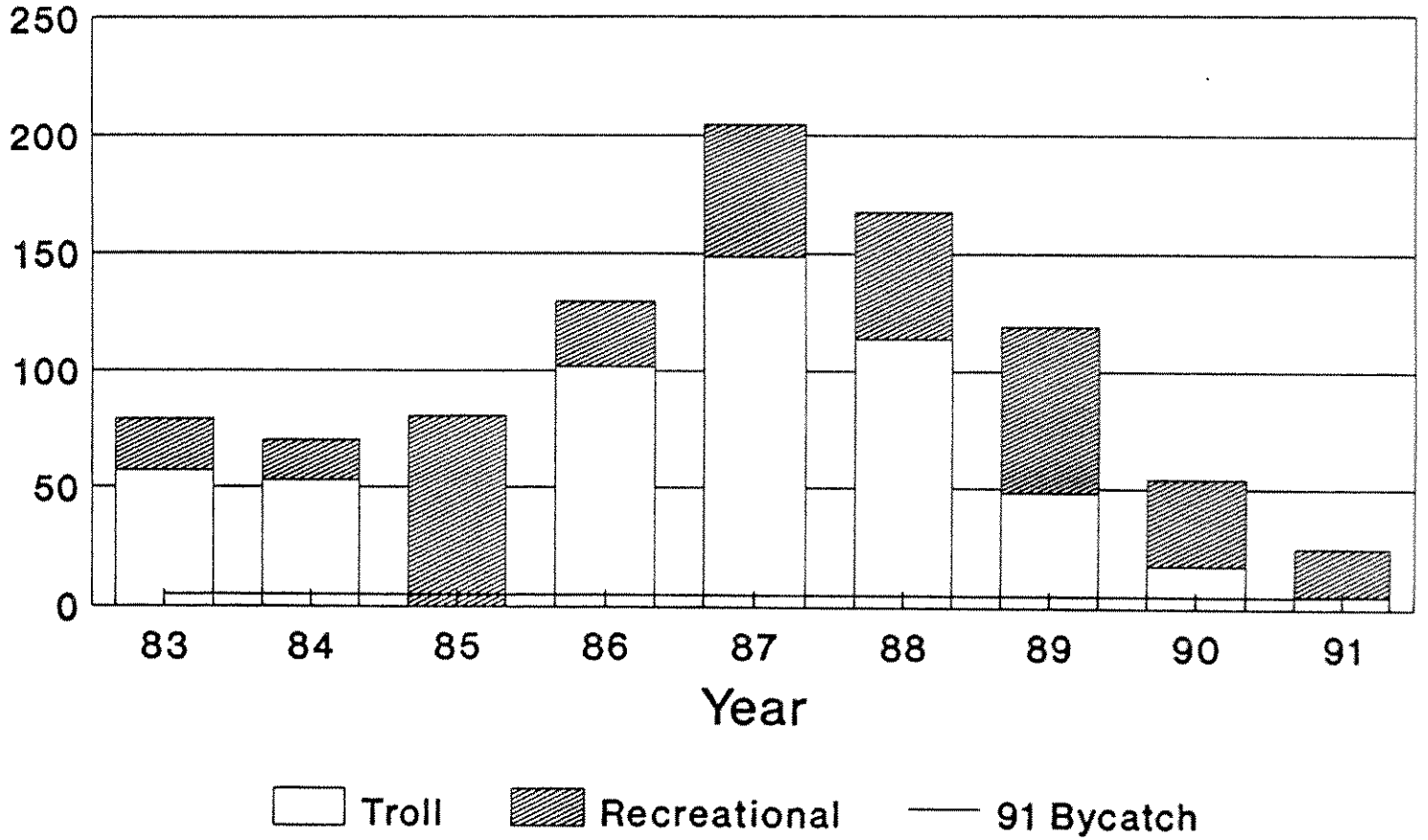


Line shows 1991 domestic fishery bycatch rate relative to all other years

1991 PACIFIC COAST WHITING FISHERY CATCH SUMMARY

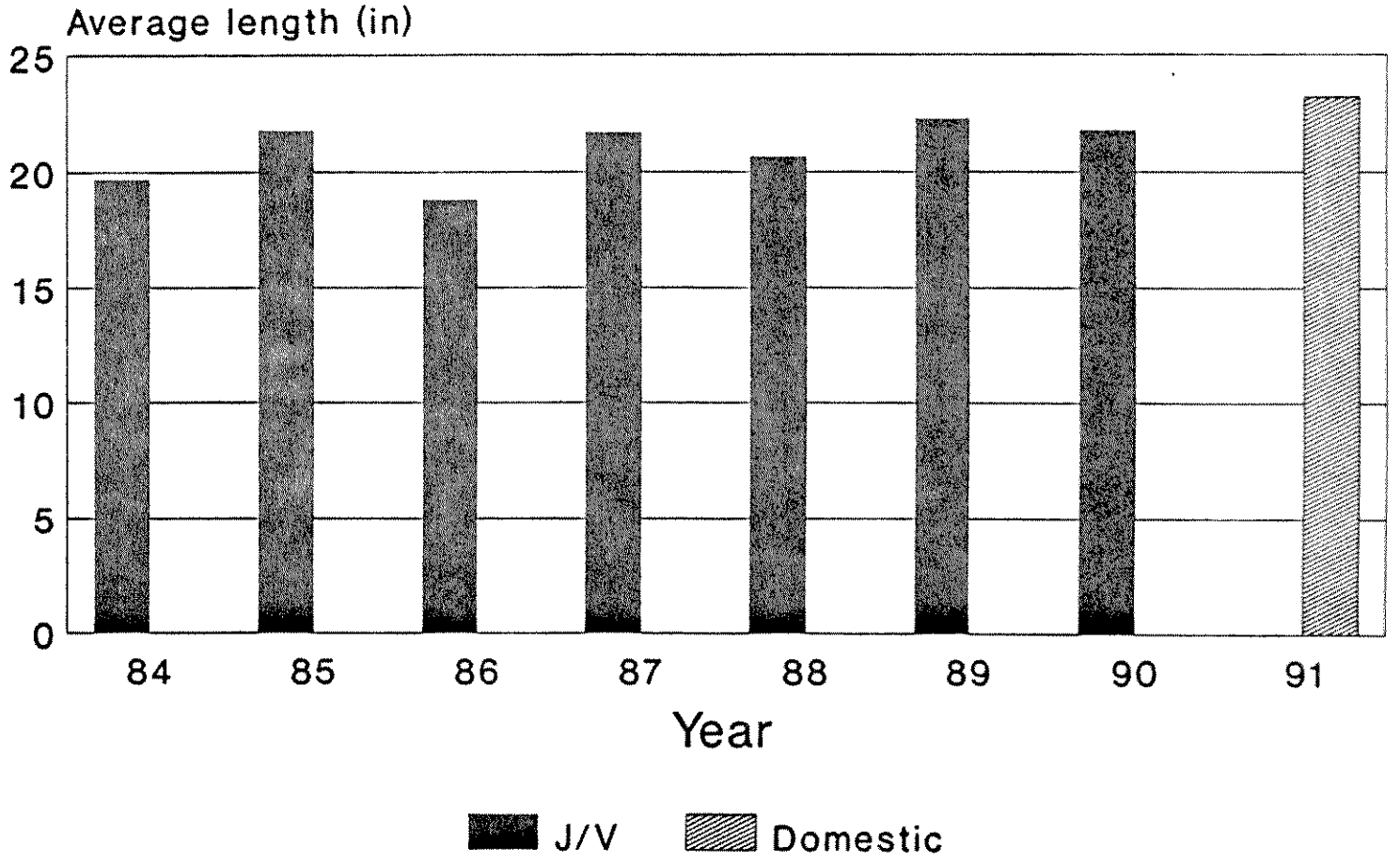
INPFC AREA	WHITING (mt)	Salmon (No.)	Bycatch Rate (Salmon/mt)
Vancouver	6,848	256	0.039
Columbia	57,972	646	0.012
Eureka	66,408	4,738	0.072
Monterey	64,104	476	0.008
Total	195,132	6,116	0.032

Salmon Catch in the KMZ Recreational and Troll Fisheries

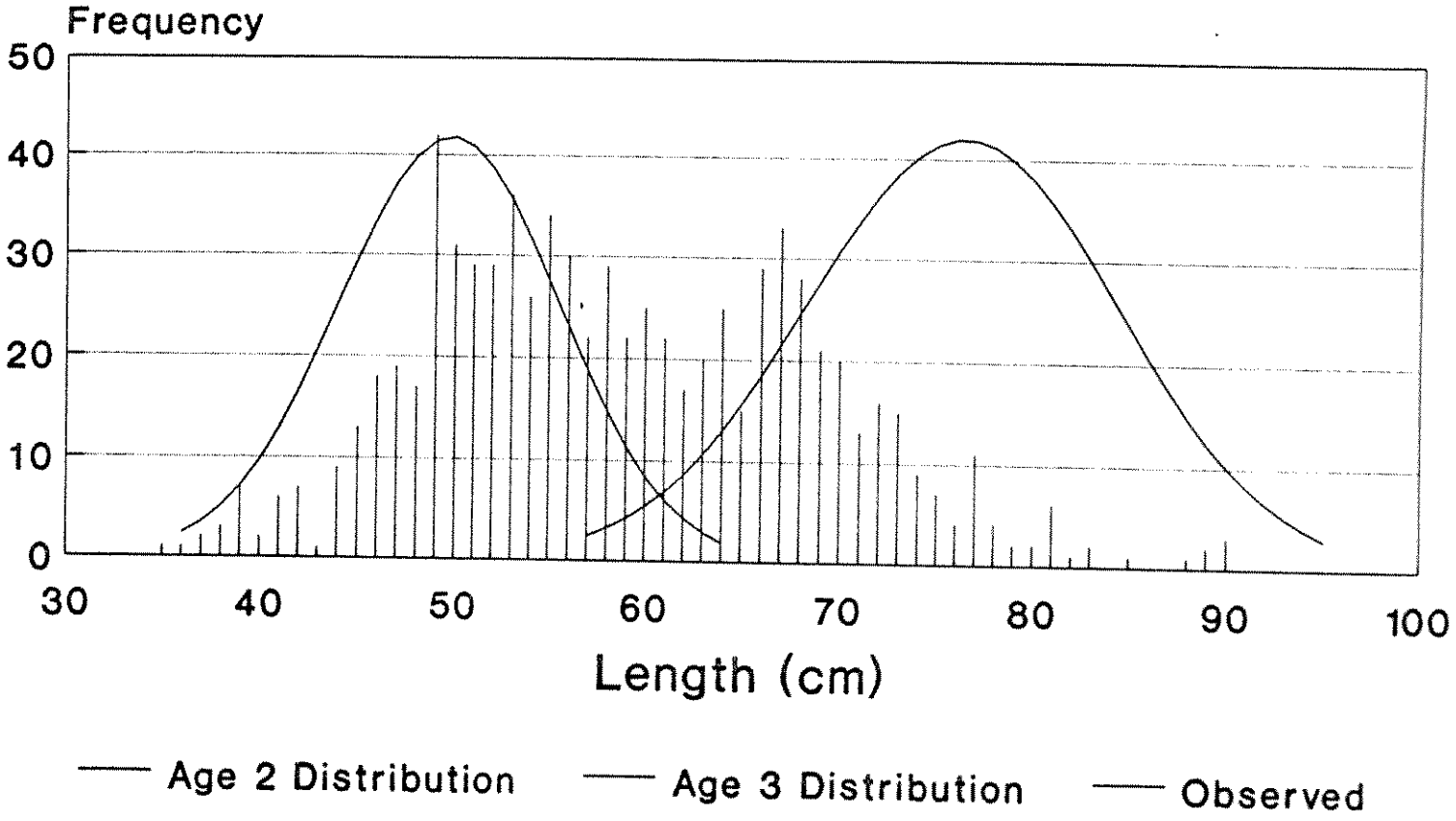


91 salmon bycatch in whiting fishery
relative to salmon catch in other years

Chinook Salmon Length in the J/V and Domestic Whiting Fisheries



Length/Frequency Distribution of Chinook Bycatch in the 1991 Eureka Area Whiting Fishery



Age 2 and 3 are estimated distributions for the CVI stock during May

Northwest Region

National Marine Fisheries Service

NEWS

Notice of Management Action

7600 Sand Point Way NE, Seattle, WA 98115

Contact:
Rolland A. Schmitten
(206) 526-6150
William L. Robinson
(206) 526-6140
Svein Fougner
(213) 514-6660

NMFS-SEA-91-9

WHITING RELEASED TO MOTHERSHIPS OFF WASHINGTON, OREGON, AND CALIFORNIA

FOR IMMEDIATE RELEASE: November 8, 1991

On November 17, at-sea processing by mothership vessels may resume for up to 7,000 metric tons of Pacific whiting in the ocean 3 to 200 nautical miles off Washington, Oregon, and California, Rolland A. Schmitten, Northwest Regional Director of the National Marine Fisheries Service (NMFS) announced today. The NMFS will monitor the progress of the fishery and may make adjustments to the number of days at-sea processing is allowed, either to avoid exceeding or to fully utilize the 7,000 mt limit. Unless otherwise announced by Schmitten, processing at sea will be prohibited at noon November 22, 1991. The last delivery of Pacific whiting to at-sea processors will need to occur before that time so that processing is completed by noon.

The NMFS has determined that 7,000 mt of the Pacific whiting quota of 228,000 mt will not be utilized in 1991 unless it is made available for processing at sea. Shore-side processors have confirmed their intent to use 26,000 mt of Pacific whiting in 1991, and have taken approximately 18,000 mt as of November 1, 1991. At-sea processors already had taken over 195,000 mt of Pacific whiting before at-sea processing was prohibited earlier in the year. Therefore approximately 7,000 mt of Pacific whiting remains available for harvest which is surplus to shore-based processing needs.

This reopening follows the recommendation of the Pacific Fishery Management Council to fully utilize the 228,000 metric ton quota for whiting, and to give mothership operations priority to any whiting surplus to shore-based processing needs. A mothership is a processing vessel that receives fish caught by another vessel, but does not fish. NMFS anticipates that vessels involved in the fishery will voluntarily carry observers and will provide timely information to assist in management of this fishery.

One metric ton equals 2,204.6 pounds.

# # #

ATTACHMENT 10

MEMORANDUM

OREGON DEPARTMENT OF FISH AND WILDLIFE
MARINE REGION

MARINE SCIENCE DRIVE, BLDG 3, NEWPORT OR 97365
(503)867-4741
FAX#(503)867-0311

DATE: October 11, 1991
TO: Neal Coenen

FROM: Jack Robinson
SUBJ: 1991 Pacific whiting fishery observations

Catch statistics - Steve Kupillas terminated September 30 as scheduled, after completing 23 trips to sea aboard Newport-based trawlers catching and landing whiting here. An additional two trips were made by permanent Newport staff (Barss and Hettman). Thus we exceeded our 20-trip season goal by 25%.

Observations were summarized by Steve before he left (Table 1). As you see, salmon bycatch was practically nil - two in 25 trips, or a rate of 0.0020 salmon per metric ton of whiting caught in observed trips. Both fish were small chinook. One was caught June 21; the other on September 4. All fish were observed twice; once at sea as they were brought aboard and the second time as they were removed from the vessel at the dock. I feel the procedure minimized the chance of our missing a salmon.

Other bycatch was surprisingly light. A total of 529.5 lb of widow rockfish were landed (126 lb the largest single landing), 1,689 lb of yellowtail rockfish came ashore, of which 1,087 lb was the single really large bycatch, on July 16. Miscellaneous other species of rockfish totaled only 47.5 lb. Most of these fish were retained and brought ashore for sale to the processor involved. A wide variety of other species were caught, mostly in trace amounts except for jack mackeral which became quite abu;ndant by mid-July. A 30,000 lb catch of mixed jack and Pacific mackeral were accidentally caught on September 4. Most of the mackeral was delivered ashore and put up as crab bait, since the parties involved had no human food market for it. About 3,000 lb was discarded at sea.

Pacific lamprey constituted one of the more frequently encountered species - one or more were recorded on eleven of the 25 trips. One Pacific sardine was observed on September 23, an event worth mentioning, as it's the first time this species may have been observed off Oregon in many years. Pacific saury, sablefish, electric ray, dogfish, lingcod, ratfish, sandab, a Rex sole, arrowtooth flounder, and even a Pacific scallop were other species seen. Obviously, the midwater trawls used got pretty close to bottom on occasion.

In all, we observed 2,198,260 lb (997.1 tonnes) of whiting at sea, out of a total Oregon landing of about 16,058,738 lb (7,284.2 t) through October 4, or about 13.7 % of total weight of fish landed in Oregon. Pacific coast landing was 32,020,000 lb in the same period.

Biological sampling - In addition to the bycatch species sampling, we also were involved in obtaining base biological data on Pacific whiting. Long term information is available for the

offshore processing sector, but data from the onshore delivered fish is scanty. we have been collecting random length frequencies throughout the period of shoreside deliveries and are collecting a total of 500 otoliths for NMFS. NMFS will be looking for differences between the offshore and onshore delivered fish. If significant differences are found, a much larger sampling program will be necessary and that will impact our traditional sampling priorities for future years.

Conclusions - The onshore fishery out of Newport had nil effect on Pacific salmon. It was able to catch hake in good quantity as needed. *Gary Hettman did a really superior job coordinating and leading the project.* Other staff, including Larry Hreha, Bob Demory, and Mark Saelens also deserve credit for pitching in to make this effort successful. Steve Kupillas did a fine job as an observor. The usual unselfish, self-effacing and supreme teamwork displayed by Marine Finfish Investigation biologists and aides was again evident.

For next year's fishery we need to give thought to the basic necessity for this program. Oregon and other trollers expressed desire for it and the domestic offshore processing segment paid for a 100 % observor program, using NMFS observors. Oregon was the only state to institute a onshore fishery program (paid by ODFW), and in light of the very small bycatch of salmon (or anything else), the question needs to be addressed: is this program useful and needed in 1992? It seems to me that any bycatch program next year would be more fruitfully pursued out of Charleston, since those vessels may encounter different salmon:whiting mix than in the area off Newport. However, my recollection of observations in fish plants there in past was that salmon were not encountered in much greater frequency/ degree than in Newport this summer. In any event, the present situation regarding general fund needs this biennium bespeaks need to do some major league prioritizing of what we do and especially those tasks needing significant effort in terms of either funds or personnel.

c: Hettman
Saelens
Hreha
Demory
Bohn

Table . Whiting Observer Trips 1991

Trip Date	F/V Vessel	Whiting Lbs.	Salmon : Observed	Widow Lbs.	Yellowtail Lbs.	Misc. Rockfish Lbs.	Other fish
'052191	LM	85,200	0	5.5	0.0	0.0	1 lamprey, 1 Arrowtooth Flounder
'052991	LM	69,600	0	7.0	0.0	3.5	1 lamprey
'060491	LM	92,200	0	10.0	4.0	1.0	1 lamprey
'060691	LM.	122,400	0	1.5	8.8	0.0	1 lamprey
'061091	LM	120,000	0	26.0	163.0	0.0	2 lamprey
'061191	LM	72,000	0	0.0	4.3	0.0	4 lamprey
'061991	PF	97,200	0	62.0	0.0	15.0	
'062191	LM	114,000	1	40.0	46.0	2.0	2 lamprey
'062691	LM	86,400	0	50.0	3.0	2.5	
'070991	LM	115,200	0	126.0	5.0	0.5	1 lamprey, 1 Arrowtooth Flounder
'071091	LM	98,400	0	47.0	0.0	3.0	
'071691	LM	78,000	0	23.0	1087.0		1 lamprey, 3 smelt & 1 Jack Mackerel
'071791	LM	111,600	0	34.0	164.0	7.5	1 lamprey, 2 4 lb. Squid, 3 Jack Mackerel
'072391	LM	115,200	0	0.0	0.0	0.0	1 lamprey, 29 sandab , 96 Jack Mackerel, 33 Pacific Mackerel
'072591	LM	118,800	0	0.0	0.0	0.0	1 Ratfish, 1 Lingcod, 12 sandab, 1 Rex sole, 6 Jack Mackerel, & 1 Scallop
'072891	LM	62,400	0	0.0	0.0	0.0	2 sablefish, 1 Jack Mackerel
'082791	LM	110,975	0	0.0	46.0	0.0	16 dogfish, 87 Jack Mackerel
'090491	LM	67,750	1	12.0	39.0	1.0	3 sablefish, 30,000 lbs. of Jack & Pacific Mackerel
'090591	BF	43,289	0	1.0	3.0	0.0	3 sablefish & 1 Pacific Saury
'091091	BF	84,524	0	3.0	16.5	0.0	64 Jack Mackerel, 1 Pacific Mackerel, 1 Dogfish &1Sablefish
'091691	BF	47,740	0	0.0	0.0	1.0	1 pacific & 1 Jack Mackerel
'091791	BF	66,882	0	0.0	3.0	0.0	2 Pacific Mackerel, 1 Sablefish, 1 Electric Ray, & 87 Jack Mackerel
'092391	LM	84,000	0	3.0	0.0	2.5	1Pacific Sardine, 1 Sablefish, 170 Pacific & 150 Jack Mackerel
'092591	PR	74,500	0	68.0	2.0	8.0	16 Pacific Mackerel, & 83 Jack Mackerel
'092791	PR	60,000	0	10.5	94.5	0.0	9 Pacific Mackerel, & 8 Jack Mackerel
OBSERVED	TOTALS	2,198,260	2	529.5	1689.0	47.5	
SALMON	PER MT =	0.002005768					

ATTACHMENT 11

Klamath Management Zone Fisheries Coalition

Russ Crabtree, Chairman
Rich Taylor, Co-Chairman

Oregon Representative:
Howard Teague, Gold Beach

California Representative:
Ken Neal, Trinidad

Port of Port Orford
Port of Gold Beach
Port of Brookings Harbor
Crescent City Harbor District
Trinidad Bay
Humboldt Bay Harbor District

101 Citizen's Dock Road • Crescent City, CA 95531
(707) 464-6174

November 5, 1991

Pacific Fishery Management Council
Metro Center, Suite 420
2000 SW First Avenue
Portland, OR 97201

Re: Catcher Processor and Mothership
Salmon Bycatch

Dear Councilors:

The Klamath Management Zone Fisheries Coalition (KMZFC) was dismayed and appalled at the high Chinook salmon bycatch ratio as emphasized by the report done in October by the PFMC Groundfish Management Team. The report shows that the majority of the Chinook bycatch is occurring between the hours of midnight and 6:00 a.m. The question must be asked; is this prudent to allow this impact on the salmon resource considering the plight of the local fisheries within the Klamath Management Zone? We think not!

Please consider the following; "The coastwide catch rate for Chinook was highest between midnight and 6:00 a.m. The highest catch rate occurred in the Eureka and Vancouver areas; the lowest catch rate occurred south of the 39 N. latitude. In the Eureka area, the highest catch rate occurred between midnight and 6:00 a.m.". The Eureka area, which is in the Klamath Management Zone, is not allowed a commercial troll season and has a very restrictive salmon sportfishing season. We must question whether this is fair and equitable to allow one industry preference over the other.

The KMZFC is concerned with restoration and enhancement of the salmon resource and endeavors to facilitate this elusive goal, but our efforts will continue to be in vain, as long as negative impacts, high bycatch and degradation of the species continues. The Klamath Management Council has putforth a well thoughtout Restoration Plan, but it will take fifteen to twenty years to show results. Communities within the Klamath Management Zone cannot wait this long and remain economically viable. The high bycatch ratio of Chinook will only serve to extend the Restoration Plan's positive impacts further than twenty years and that duration is anyone's guess.

Therefore, we must respectively request that the allowing of the Pacific Whiting Catcher Processor and Mothership Industry to fish at night be re-evaluated and restricted to daylight hours only.

Thank you for the opportunity to comment.

Sincerely,

Russ Crabtree, Chairman
Klamath Management Zone Fishery Coalition

RC/mem

c: Oregon Congression Delgation
Department of the Interior
Department of Commerce
Senator Bill Bradbury
Representative Walt Schroeder
Curry County Board of Commissioners
Oregon Coastal Ports
OEDD, Ports Division
OCZMA, Jay Rasmussen
OPPA, Paget Engen
KMZFC, Membership

STATEMENT OF THE KLAMATH FISHERY MANAGEMENT COUNCIL (KFMC) REGARDING WHITING FISHERY MANAGEMENT MEASURES FOR 1992

November 12, 1991

The KFMC is very concerned about the salmon by-catch in the whiting fishery in the Eureka management area in 1991. This concern is based on the following:

1. The Eureka area had the highest salmon by-catch rate of any area in 1991 and was the only area to exceed the ceiling standard of 0.05 salmon per metric ton of whiting.

2. The Eureka area had, by far, the largest total salmon by-catch of any area in 1991, at a level that is in the same magnitude as the total troll salmon catch in the same area.

3. The Eureka area traditional salmon fisheries were severely constrained in recent years by the Pacific Fishery Management Council (PFMC) and will, by current indications, be relatively constrained again in 1992.

Therefore, the KFMC recommends that the PFMC adopt management measures for the 1992 whiting fishery that are different than those adopted for 1991, such that they reduce the salmon by-catch rate in the Eureka area to a level less than 0.05 per metric ton and also reduce the total salmon by-catch in the Eureka area to the point that the Eureka area is not the management area with the highest total salmon by-catch. Different management measures can be such things as eliminating fishing from midnight through the early dawn hours and more strictly regulating open fishing times and areas.

Additionally, the KFMC recommends that monitoring of salmon by-catch in the whiting fishery be conducted in 1992, including the shore-based segments of the fishery that were not monitored in 1991.